

Title 196 WAC

LICENSING, DEPARTMENT OF (ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR PROFESSIONAL)

Chapters

196-09	Board practices and procedures.	
196-12	Registered professional engineers.	196-08-010
196-16	Registered professional land surveyors.	
196-20	Engineers-in-training.	
196-21	Land surveyors-in-training.	196-08-030
196-23	Stamping and seals.	
196-25	Business practices.	
196-26A	Registered professional engineers and land surveyor fees.	196-08-040
196-27A	Rules of professional conduct and practice.	196-08-050
196-29	Professional practices.	
196-30	Fees for on-site wastewater treatment designers and inspectors.	
196-32	On-site wastewater treatment system designer licenses/inspector certificates of competency.	196-08-060
196-33	Rules of professional practice for licensees designing on-site wastewater treatment systems.	196-08-070
196-34	Continuing education of licensed professional on-site wastewater treatment system designers and certified inspectors.	196-08-080

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 196-04 ORGANIZATION AND JURISDICTION

196-04-010	Marine surveyors. [Order, (codified as WAC 196-04-010), filed 8/20/63.] Repealed by 98-18-046, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 18.43.035.	196-08-090
196-04-020	Branch of marine surveyor discontinued. [Order, (codified as WAC 196-04-020), filed 9/30/63.] Repealed by 98-18-046, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 18.43.035.	196-08-100
196-04-025	Board of registration for professional engineers and land surveyors—Powers and duties. [Statutory Authority: RCW 18.43.035. 88-12-044 (Order PM 738), § 196-04-025, filed 5/27/88.] Repealed by 98-18-046, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 18.43.035.	196-08-110
196-04-030	Chief executive of the board of registration for professional engineers and land surveyors—Duties, qualifications. [Statutory Authority: RCW 18.43.035. 88-12-044 (Order PM 738), § 196-04-030, filed 5/27/88; 85-04-030 (Order PL 512), § 196-04-030, filed 1/31/85.] Repealed by 98-18-046, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 18.43.035.	196-08-120
196-04-040	Assistant registrar for board of registration for professional engineers and land surveyors—Duties, qualifications. [Statutory Authority: RCW 18.43.035. 85-04-030 (Order PL 512), § 196-04-040, filed 1/31/85.] Repealed by 98-18-046, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 18.43.035.	196-08-130

Chapter 196-08

PRACTICE AND PROCEDURE

196-08-010	Appearance and practice before agency—Who may appear. [Rule.08.010, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-030	Appearance and practice before agency—Solicitation of business unethical. [Rule .08.030, filed 7/6/60.] Repealed by 90-05-071, filed 2/21/90, effective 3/24/90. Statutory Authority: RCW 18.43.035.
196-08-040	Appearance and practice before agency—Standards of ethical conduct. [Rule.08.040, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-050	Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff. [Rule.08.050, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-060	Appearance and practice before agency—Former employee as expert witness. [Rule.08.060, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-070	Computation of time. [Rule.08.070, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-080	Notice and opportunity for hearing in contested cases. [Rule.08.080, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-085	Hearings on charges to be heard within three months. [Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-08-085, filed 1/25/84; Rule .08.081, filed 7/6/60.] Repealed by 87-13-005 (Order PM 606), filed 6/4/87. Statutory Authority: RCW 18.43.035.
196-08-090	Service of process—By whom served. [Rule.08.090, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-100	Service of process—Upon whom served. [Rule.08.100, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-110	Service of process—Service upon parties. [Rule.08.110, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-120	Service of process—Method of service. [Rule.08.120, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-130	Service of process—When service complete. [Rule.08.130, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-140	Service of process—Filing with agency. [Rule.08.140, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-150	Subpoenas—Form. [Rule.08.150, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-160	Subpoenas—Issuance to parties. [Rule.08.160, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-170	Subpoenas—Service. [Rule.08.170, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-08-180	Subpoenas—Fees. [Rule.08.180, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

Title 196**Title 196 WAC: Engineers and Land Surveyors**

196-08-190 Subpoenas—Proof of service. [Rule.08.190, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-200 Subpoenas—Quashing. [Rule.08.200, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-210 Subpoenas—Enforcement. [Rule.08.210, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-220 Subpoenas—Geographical scope. [Rule.08.220, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-230 Depositions and interrogatories in contested cases—Right to take. [Rule.08.230, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-240 Depositions and interrogatories in contested cases—Scope. [Rule.08.240, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Rule.08.250, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-260 Depositions and interrogatories in contested cases—Authorization. [Rule.08.260, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Rule.08.270, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Rule.08.280, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-290 Depositions and interrogatories in contested cases—Recordation. [Rule.08.290, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Rule.08.300, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-310 Depositions and interrogatories in contested cases—Use and effect. [Rule.08.310, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Rule.08.320, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-330 Depositions and interrogatories in contested cases—Submission of interrogatories. [Rule.08.330, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-340 Depositions and interrogatories in contested cases—Interrogation. [Rule.08.340, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-350 Depositions and interrogatories in contested cases—Attestation and return. [Rule.08.350, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-360 Depositions and interrogatories in contested cases—Provisions of deposition rule. [Rule.08.360, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-370 Official notice—Matters of law. [Rule.08.370, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-380 Official notice—Material facts. [Rule.08.380, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-390 Presumptions. [Rule.08.390, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-400 Stipulations and admissions of record. [Rule.08.400, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-410 Form and content of decisions in contested cases. [Rule.08.410, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-420 Definition of issues before hearing. [Rule.08.420, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-430 Prehearing conference rule—Authorized. [Rule.08.430, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-440 Prehearing conference rule—Record of conference action. [Rule.08.440, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-450 Submission of documentary evidence in advance. [Rule.08.450, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-460 Excerpts from documentary evidence. [Rule.08.460, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Rule.08.470, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Rule.08.480, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Rule.08.490, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 196-08-470 or 196-08-480. [Rule.08.500, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-510 Continuances. [Rule.08.510, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-520 Rules of evidence—Admissibility criteria. [Rule.08.520, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Rule.08.530, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Rule.08.540, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-550 Petitions for rule making, amendment or repeal—Requisites. [Rule.08.550, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-560 Petitions for rule making, amendment or repeal—Agency must consider. [Rule.08.560, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. [Rule.08.570, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-580 Declaratory rulings. [Rule.08.580, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

196-08-590 Forms. [Rule.08.590, filed 7/6/60.] Repealed by 98-12-045, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.

Reviser's note: Later promulgation, see chapter 196-09 WAC.

Chapter 196-24 GENERAL

196-24-010, 196-24-020 [Rules IVA, IVB, filed 12/26/62.] Superseded by rules filed 8/4/64. See WAC 196-24-030 et seq.

196-24-030 Comity. [Statutory Authority: RCW 18.43.035. 93-01-081, § 196-24-030, filed 12/15/92, effective 1/15/93; 91-23-111, § 196-24-030, filed 11/20/91, effective 12/21/91; 90-21-035, § 196-24-030, filed 10/10/90, effective 11/10/90; 84-04-027 (Order PL 454), § 196-24-030, filed 1/25/84; 82-01-064 (Order 81-10), § 196-

	24-030, filed 12/18/81; Order PL 224, § 196-24-030, filed 11/5/75; Order PL 181, § 196-24-030, filed 1/28/75; Rule IVA, filed 8/4/64.] Repealed by 98-12-052, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.	
196-24-040	Applications. [Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-24-040, filed 1/25/84; 82-01-064 (Order 81-10), § 196-24-040, filed 12/18/81; Order PL 224, § 196-24-040, filed 11/5/75; Rule IVB, filed 8/4/64.] Repealed by 98-12-052, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.	196-24-098
196-24-041	Brief adjudicative proceedings—Denials based on failure to meet prerequisites for licensure, temporary permit, or examination. [Statutory Authority: RCW 18.43.035. 93-13-064, § 196-24-041, filed 6/17/93, effective 7/18/93.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.	196-24-100
196-24-050	Examinations. [Statutory Authority: RCW 18.43.035. 93-01-081, § 196-24-050, filed 12/15/92, effective 1/15/93; 92-09-089, § 196-24-050, filed 4/17/92, effective 5/18/92; 87-13-005 (Order PM 606), § 196-24-050, filed 6/4/87; 84-04-027 (Order PL 454), § 196-24-050, filed 1/25/84; 82-01-064 (Order 81-10), § 196-24-050, filed 12/18/81; Order PL 181, § 196-24-050, filed 1/28/75; Order PL-115, § 196-24-050, filed 11/24/71; Order PL 113, § 196-24-050, filed 8/3/71; Rule IVC, filed 8/4/64.] Repealed by 98-12-052, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.	196-24-105
196-24-058	Retired status certificate of registration. [Statutory Authority: RCW 18.43.035 and 18.43.075. 96-11-085, § 196-24-058, filed 5/14/96, effective 7/1/96.] Repealed by 99-15-052, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035.	196-24-110
196-24-060	Renewals. [Statutory Authority: RCW 18.43.035. 91-11-075, § 196-24-060, filed 5/20/91, effective 6/20/91; 90-21-034, § 196-24-060, filed 10/10/90, effective 11/10/90; 82-01-064 (Order 81-10), § 196-24-060, filed 12/18/81; Order PL 224, § 196-24-060, filed 11/5/75; Order PL 181, § 196-24-060, filed 1/28/75; Rule IVD, filed 8/4/64.] Repealed by 99-15-051, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035.	
196-24-070	Correspondence. [Statutory Authority: RCW 18.43.035. 82-01-064 (Order 81-10), § 196-24-070, filed 12/18/81; Order PL 181, § 196-24-070, filed 1/28/75; Order PL-115, § 196-24-070, filed 11/24/71; Rule IVE, filed 8/4/64.] Repealed by 87-13-005 (Order PM 606), filed 6/4/87. Statutory Authority: RCW 18.43.035.	
196-24-080	Fees. [Statutory Authority: RCW 18.43.035. 91-23-111, § 196-24-080, filed 11/20/91, effective 12/21/91; 89-05-021 (Order PM 820), § 196-24-080, filed 2/10/89; 84-04-027 (Order PL 454), § 196-24-080, filed 1/25/84; 82-01-064 (Order 81-10), § 196-24-080, filed 12/18/81.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.	
196-24-085	Temporary permits—Information required of nonresidents intending to practice thirty days or less in a calendar year. [Statutory Authority: RCW 18.43.035. 89-05-021 (Order PM 820), § 196-24-085, filed 2/10/89; 87-13-005 (Order PM 606), § 196-24-085, filed 6/4/87; 82-01-064 (Order 81-10), § 196-24-085, filed 12/18/81.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.	196-26-010
196-24-090	Branch offices. [Statutory Authority: RCW 18.43.035. 90-05-071, § 196-24-090, filed 2/21/90, effective 3/24/90; 82-01-064 (Order 81-10), § 196-24-090, filed 12/18/81.] Repealed by 99-15-053, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035.	196-26-020
196-24-092	Offer to practice. [Statutory Authority: RCW 18.43.035. 90-05-071, § 196-24-092, filed 2/21/90, effective 3/24/90.] Repealed by 99-15-054, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035.	
196-24-095	Seals. [Statutory Authority: RCW 18.43.035. 91-11-099, § 196-24-095, filed 5/22/91, effective 6/22/91; 82-01-064 (Order 81-10), § 196-24-095, filed 12/18/81.] Repealed by 99-15-058, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035.	
196-24-097	Seal/stamp usage. [Statutory Authority: RCW 18.43.035. 93-13-065, § 196-24-097, filed 6/17/93, effective 7/18/93.] Repealed by 99-15-055, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035.	
	Documents prepared by a corporation, organization, or public agency. [Statutory Authority: RCW 18.43.035. 93-13-066, § 196-24-098, filed 6/17/93, effective 7/18/93.] Repealed by 99-15-056, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035.	
	Meetings and officers. [Statutory Authority: RCW 18.43.035. 99-15-051, § 196-24-100, filed 7/15/99, effective 8/15/99; 87-13-005 (Order PM 606), § 196-24-100, filed 6/4/87.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.	
	Examination review. [Statutory Authority: RCW 18.43.035. 98-12-052, § 196-24-105, filed 5/29/98, effective 7/1/98; 93-01-081, § 196-24-105, filed 12/15/92, effective 1/15/93; 92-15-139, § 196-24-105, filed 7/22/92, effective 8/22/92; 87-13-005 (Order PM 606), § 196-24-105, filed 6/4/87.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.	
	Land surveying standards. [Statutory Authority: RCW 18.43.035. 87-13-005 (Order PM 606), § 196-24-110, filed 6/4/87.] Repealed by 06-22-037, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 18.43.035. Later promulgation, see WAC 196-29-110.	

Chapter 196-26 REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYORS FEES

196-26-010	Fees. [Order PL 224, § 196-26-010, filed 11/5/75.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.
196-26-020	Engineer and land surveyor fees and charges. [Statutory Authority: RCW 43.24.086, 18.43.050, [18.43.]060, [18.43.]080, [18.43.]100, [18.43.]130 and [18.43.]160. 99-12-036, § 196-26-020, filed 5/26/99, effective 7/1/99. Statutory Authority: RCW 43.24.086, 18.43.050, [18.43.]060, [18.43.]080, [18.43.]100, [18.43.]130, [18.43.]160 and 1997 c 247. 98-12-046, § 196-26-020, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 43.24.086, 18.43.050, [18.43.]060, [18.43.]080, [18.43.]100, [18.43.]110, [18.43.]130 and 1995 c 356. 95-23-013, § 196-26-020, filed 11/7/95, effective 1/1/96. Statutory Authority: RCW 43.24.086 and 43.24.140. 93-10-057, § 196-26-020, filed 4/30/93, effective 7/1/93; 91-22-017, § 196-26-020, filed 10/28/91, effective 11/28/91; 91-10-046, § 196-26-020, filed 4/25/91, effective 5/26/91. Statutory Authority: RCW 43.24.086 and 43.24.140. 91-10-046, § 196-26-020, filed 4/25/91, effective 5/26/91. Statutory Authority: RCW 43.24.086 and chapter 18.43 RCW. 90-03-028, § 196-26-020, filed 1/11/90, effective 2/11/90. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 196-26-020, filed 8/27/87.] Repealed by 02-13-080, filed 6/17/02, effective 9/1/02. Statutory Authority: RCW 43.24.086 and 18.43.035. Later promulgation, see chapter 196-26A WAC.
196-26-030	License renewals. [Statutory Authority: RCW 43.24.086, 18.43.050, [18.43.]060, [18.43.]080, [18.43.]100, [18.43.]130, [18.43.]160 and 1997 c 247. 98-12-046, § 196-26-030, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 43.24.086 and 43.24.140. 91-22-017, § 196-26-030, filed 10/28/91, effective 11/28/91; 91-10-046, § 196-26-030, filed 4/25/91, effective 5/26/91. Statutory Authority: RCW 43.24.140. 90-21-033, § 196-26-030, filed 10/10/90, effective 11/10/90.] Repealed by 02-13-080, filed 6/17/02, effective 9/1/02. Statutory Authority: RCW 43.24.086 and 18.43.035. Later promulgation, see chapter 196-26A WAC.

Chapter 196-27 RULES OF PROFESSIONAL CONDUCT

196-27-010	Purpose and definitions. [Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-27-010, filed 1/25/84.] Repealed by 02-23-027, filed 11/12/02, effective 12/13/02. Statutory Authority: RCW 18.43.035.
196-27-020	Fundamental canons and guidelines for professional practice. [Statutory Authority: RCW 18.43.035. 90-05-071, § 196-27-020, filed 2/21/90, effective 3/24/90; 87-13-005 (Order PM 606), § 196-27-020, filed 6/4/87; 84-04-027 (Order PL 454), § 196-27-020, filed 1/25/84.]

Repealed by 02-23-027, filed 11/12/02, effective 12/13/02. Statutory Authority: RCW 18.43.035.

Reviser's note: Later promulgation, see chapter 196-27A WAC.

Chapter 196-28 NONRESIDENTS

- 196-28-010 Information required of nonresidents intending to practice thirty days or less in calendar year. [Rules, filed 4/19/66.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.

Chapter 196-31 PRACTICE PERMITS

- 196-31-010 Declaration of purpose. [Statutory Authority: RCW 18.210.060, 18.210.050. 00-08-042, § 196-31-010, filed 3/30/00, effective 4/30/00.] Repealed by 06-12-084, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW.
- 196-31-020 Definition. [Statutory Authority: RCW 18.210.060, 18.210.050. 00-08-042, § 196-31-020, filed 3/30/00, effective 4/30/00.] Repealed by 06-12-084, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW.
- 196-31-030 Applications—Qualifications. [Statutory Authority: RCW 18.210.060, 18.210.050. 00-08-042, § 196-31-030, filed 3/30/00, effective 4/30/00.] Repealed by 06-12-084, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW.
- 196-31-040 Applications—Procedures. [Statutory Authority: RCW 18.210.060, 18.210.050. 00-08-042, § 196-31-040, filed 3/30/00, effective 4/30/00.] Repealed by 06-12-084, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW.
- 196-31-050 Permit issuance—Renewals. [Statutory Authority: RCW 18.210.060, 18.210.050. 00-08-042, § 196-31-050, filed 3/30/00, effective 4/30/00.] Repealed by 06-12-084, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW.
- 196-31-060 Scope of practice. [Statutory Authority: RCW 18.210.060, 18.210.050. 00-08-042, § 196-31-060, filed 3/30/00, effective 4/30/00.] Repealed by 06-12-084, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW.
- 196-31-070 Brief adjudicative proceedings—Denials based on failure to meet prerequisites for licensure, practice permit, or examination. [Statutory Authority: RCW 18.210.060, 18.210.050. 00-08-042, § 196-31-070, filed 3/30/00, effective 4/30/00.] Repealed by 06-12-084, filed 6/6/06, effective 7/7/06. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW.

Chapter 196-09 WAC BOARD PRACTICES AND PROCEDURES (Formerly chapter 196-08 WAC)

WAC

- 196-09-010 Declaration of purpose.
- 196-09-020 Adjudicative proceedings.
- 196-09-050 Brief adjudicative proceedings.
- 196-09-055 Records required for brief adjudicative proceeding.
- 196-09-060 Procedures for brief adjudicative proceedings.
- 196-09-100 Investigative cost reimbursement.
- 196-09-110 Cooperation with board investigation.
- 196-09-120 Meetings and officers.
- 196-09-130 Board member limitations—Contract selection.
- 196-09-131 Board member limitations—Transactions.
- 196-09-135 Reporting of board member recusal.

WAC 196-09-010 Declaration of purpose. This chapter contains rules and administrative procedures for proceedings held by the board in executing its responsibilities under chapter 18.43 RCW.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 98-12-045, § 196-09-010, filed 5/29/98, effective 7/1/98.]

WAC 196-09-020 Adjudicative proceedings. Chapters 34.05 RCW and 10-08 WAC apply to all adjudicative proceedings. The procedures described in Washington superior court civil rules 26 through 32, 34, 36 and 37 also apply.

[Statutory Authority: RCW 18.43.035. 98-12-045, § 196-09-020, filed 5/29/98, effective 7/1/98.]

WAC 196-09-050 Brief adjudicative proceedings. (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapter 18.43 RCW, chapter 18.210 RCW, chapter 18.235 RCW, administrative rules in title 196 WAC or any statutes or rules that specifically govern the defined practices of engineering, land surveying and on-site wastewater treatment system designs. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

[(2)] Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

- (a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;
- (b) Whether an applicant is eligible to sit for a professional licensing examination;
- (c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;
- (d) Whether an applicant meets minimum requirements for an initial or renewal application;
- (e) Whether an applicant has failed the professional licensing examination;
- (f) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;
- (g) Whether an applicant or licensee failed to cooperate in an investigation by the board
- (h) Whether an application or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;
- (i) Whether an applicant or licensee has defaulted on educational loans;
- (j) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;
- (k) Whether a person has engaged in false, deceptive or misleading advertising; or

(l) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. 06-11-121, § 196-09-050, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-050, filed 1/21/04, effective 2/21/04.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 196-09-055 Records required for brief adjudicative proceeding. The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of license:

[•] All correspondence between the applicant and the board about the renewal or reinstatement;

[•] Copies of renewal notice(s) sent by the department of licensing to the licensee;

[•] All documents received by the board from or on behalf of the licensee relating to information, payments, or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

[•] Original complete application with all attachments as submitted by the applicant;

[•] Copies of all supplementary information related to application review by staff or board member;

[•] All documents relied upon in reaching the determination of ineligibility;

[•] All correspondence between the applicant and the board about the application or appeal.

(3) Default of student loan payments:

[•] Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;

[•] Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

[•] All documents received by the board from or on behalf of the licensee relating to rebutting such identification [identification];

[•] Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

[•] A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

(4) Determination of compliance with previously issued board order:

[•] The previously issued final order or agreement;

[•] All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

[•] All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

[•] All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. 06-11-121, § 196-09-055, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-055, filed 1/21/04, effective 2/21/04.]

ters 18.43 and 18.235 RCW. 04-04-001, § 196-09-055, filed 1/21/04, effective 2/21/04.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 196-09-060 Procedures for brief adjudicative proceedings. A brief adjudicative proceeding shall be held under the supervision of a presiding officer as designated by the board chair. The presiding officer shall have knowledge and experience in the administrative processes of the board and the requirements of the provisions for a brief adjudicative proceeding as provided for in chapter 34.05 RCW and WAC 196-09-050 through 196-09-060, but shall not have participated in the determination or action under review. Except as may be otherwise required by the presiding officer, the following procedures shall apply:

(1) The petitioner shall present petitioner's position in writing in accordance with the process and schedule established by the presiding officer.

(2) The presiding officer may accept oral testimony and/or argument.

(3) No witnesses may appear to testify.

(4) In addition to the written record, the presiding officer may employ agency expertise as a basis for the decision.

(5) The presiding officer will not issue an oral order at the time of the brief adjudicative proceeding. Within ten days of the final date established by the presiding officer for receipt of additional materials and/or oral arguments, if any, the presiding officer will enter a written initial order.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-060, filed 1/21/04, effective 2/21/04.]

WAC 196-09-100 Investigative cost reimbursement.

The reimbursement of investigative costs may be ordered by the board if the adjudicative process has resulted in a finding by the board that identifies conduct which is considered misconduct or malpractice and has resulted in the suspension or revocation of the license to practice. Costs subject to reimbursement are those expenses paid by the board during the investigation process, such as expert or consultant witness contracts.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-100, filed 1/21/04, effective 2/21/04.]

WAC 196-09-110 Cooperation with board investigation. In the course of an investigation and request by the board under its authority in chapter 18.43 RCW, a licensee or registrant must provide any papers, records, or documents in their possession or accessible to them that pertain to the allegations in a complaint or investigation, and a written explanation addressing such complaint/investigation or other information requested by the board. A facility related to a complaint or investigation shall be made accessible by the licensee during regular business hours.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-110, filed 1/21/04, effective 2/21/04.]

WAC 196-09-120 Meetings and officers. The Washington state board of registration for professional engineers

and land surveyors shall hold its regular public meeting annually in June. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

At the regular annual meeting the board shall elect a chair and vice-chair to hold office for one year commencing July 9. The executive director of the board shall serve as secretary. A vacancy in any office shall be filled for the remainder of the term by special election at the next special public meeting.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-09-120, filed 1/21/04, effective 2/21/04.]

WAC 196-09-130 Board member limitations—Contract selection. (1) When a member of the board of registration for professional engineers and land surveyors (Board) is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the board in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member must:

(a) Exclude him or herself from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Exclude him or herself from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in sections (a) and (c) may not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3) Under subsection (1), "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

EXAMPLE:

The board is composed of licensed professional engineers (PE) and professional land surveyors (PLS). A licensed PE member of the board is employed by a company, which conducts forensic evaluations for the purpose of determining whether an engineering design was properly performed. The board is in the process of selecting a contractor to conduct an evaluation of said engineering design for the board's use during disciplinary activities. The company that employs the PE member of the board has responded to the board's RFP.

The PE member of the board may use his general expertise regarding the performance of forensic evaluations to educate the board as to the general elements of such review. The member is prohibited from participating in the board's discussion, decision and vote for selecting a contractor.

[Statutory Authority: RCW 18.43.035. 06-22-032, § 196-09-130, filed 10/25/06, effective 11/25/06.]

WAC 196-09-131 Board member limitations—Transactions. (1) When a member of the board of registration for professional engineers and land surveyors (Board)

either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual, which is engaged in a transaction involving the board, the member must:

(a) Exclude him or herself from the board discussion regarding the specific transaction;

(b) Exclude him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in sections (a) and (c) may not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction" involving the board means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction" involving the board does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction" as described in this subsection.

(4) "Board action" means any action on the part of the board including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

EXAMPLE:

The board may discipline engineers or land surveyors for incompetence in their practice in Washington. The board is conducting an investigation involving questionable surveying services provided by a county engineer's office. One of the members of the board sits on that county's planning commission. The member must exclude him or herself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from the investigation.

[Statutory Authority: RCW 18.43.035. 06-22-032, § 196-09-131, filed 10/25/06, effective 11/25/06.]

WAC 196-09-135 Reporting of board member recusal. (1) If exclusion occurs pursuant to WAC 196-09-130 or 196-09-131, the member of the board should disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff should record each exclusion and the basis for the exclusion in the minutes of the board meetings.

[Statutory Authority: RCW 18.43.035, 06-22-032, § 196-09-135, filed 10/25/06, effective 11/25/06.]

Chapter 196-12 WAC

REGISTERED PROFESSIONAL ENGINEERS

WAC

196-12-005	Declaration and purpose.
196-12-010	Eligibility and applications.
196-12-020	Experience records.
196-12-030	Examinations.
196-12-035	Examination review and request for rescore of examination questions.
196-12-045	Comity registration of applicants qualified in other jurisdictions.
196-12-050	Waiving the fundamentals-of-engineering examination.
196-12-055	Temporary permits—Information required of nonresidents intending to practice thirty days or less in a calendar year.
196-12-065	Retired status certificate of registration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-12-031	Examinations—Modification of examination times. [Filed 12/13/67.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-040	Reports. [Rule ID, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rule dated 11/15/65 and 8/4/64.
196-12-060	Persons enrolled as E.I.T.s. [Statutory Authority: RCW 18.43.035, 84-04-027 (Order PL 454), § 196-12-060, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-060, filed 12/18/81; Order PL 224, § 196-12-060, filed 11/5/75; Order 11, § 196-12-060, filed 9/12/68; Rule IIE, filed 11/15/65, 8/4/64; Rule IF, filed 12/26/62.] Repealed by 98-12-052, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-12-070	Fees. [Order PL 224, § 196-12-070, filed 11/5/75; Order PL 181, § 196-12-070, filed 1/28/75; Order 11, § 196-12-070, filed 9/12/68; Rule IIF, filed 11/15/65, 8/4/64; Rule IG, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-075	Renewal of licenses. [Order PL 224, § 196-12-075, filed 11/5/75; Order PL 181, § 196-12-075, filed 1/28/75; Order PL 176, § 196-12-075, filed 10/15/74.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-080	Branches of registration. [Order PL-129, § 196-12-080, filed 7/27/72; Order PL-115, § 196-12-080, filed 11/24/71; Order 11, § 196-12-080, filed 9/12/68; Rule IG, filed 11/15/65, 8/4/64; Rule IH, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-085	Corporation or joint stock associations. [Statutory Authority: RCW 18.43.035, 88-12-044 (Order PM 738), § 196-12-085, filed 5/27/88; 84-04-027 (Order PL 454), § 196-12-085, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-085, filed 12/18/81; Order PL 181, § 196-12-085, filed 1/28/75; Order PL-115, § 196-12-085, filed 11/24/71.] Repealed by 98-12-052, filed 5/29/98, effective 7/1/98. Statutory Authority: RCW 18.43.035.
196-12-090	Correspondence. [Order PL-115, § 196-12-090, filed 11/24/71; Order 11, § 196-12-090, filed 9/12/68.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-12-005 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be licensed as professional engineers.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-005, filed 1/21/04, effective 2/21/04.]

WAC 196-12-010 Eligibility and applications. The law requires eight years of experience in engineering work of a character satisfactory to the board and passing the fundamentals-of-engineering examination to be eligible for the second stage (PE) engineer examination. These eight years must be of broad based, progressive experience to include gaining knowledge and comprehension of engineering subjects and applying engineering principles. The eight years of experience must be completed sixty days prior to the date of the examination.

A professional engineer (PE) applicant must have passed the first stage examination (the fundamentals-of-engineering (FE) examination) and be enrolled as an engineer-in-training (EIT), or qualify to waive the FE examination in accordance with WAC 196-12-050, before he or she can take the second stage (PE) examination. If the applicant has at least eight years of qualifying engineering experience, the PE examination may be applied for at the same time that he or she applies for the FE examination. The PE application may also be submitted before the results of the FE examination have been received, provided the application is submitted at least four months before the second stage examination date.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee as listed in WAC 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be received by the board three months prior to the date of the examination in order for the board to determine eligibility prior to examination deadlines. Failure to have the supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

To reschedule the taking of an examination, a written request accompanied by the applicable fee as listed in WAC 196-26A-025 is required at least three months prior to the examination date. Once an application has been approved, no further application is required.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 98-12-052, § 196-12-010, filed 5/29/98, effective 7/1/98; 88-12-044 (Order PM 738), § 196-12-010, filed 5/27/88; 87-13-005 (Order PM 606), § 196-12-010, filed 6/4/87; 84-04-027 (Order PL 454), § 196-12-010, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-010, filed 12/18/81; Order PL 224, § 196-12-010, filed 11/5/75; Order PL-129, § 196-12-010, filed 7/27/72; Order 11, § 196-12-010, filed 9/12/68; Rule IIA, filed 11/15/65; Rule IIA, filed 8/4/64; Rule IA, filed 12/26/62.]

WAC 196-12-020 Experience records. The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record:

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in engineering approved by the engineer accreditation commission (EAC) of the accreditation board for engineering and technology (ABET, Inc.) shall be equivalent to four years of required experience. Satisfactory completion of each year of

such an approved engineering curriculum is equivalent to one year of experience.

(b) Graduation with a baccalaureate degree in a program in engineering technology approved by the technology accreditation commission (TAC) of the accreditation board for engineering and technology (ABET, Inc.) is equivalent to three years of required experience. Satisfactory completion of each year of such an approved program is equivalent to three-fourths of one year of experience.

(c) Graduation in an approved four year non-ABET, Inc. accredited engineering curriculum will be given a maximum of three years of experience.

(d) A maximum of one year may be granted for post-graduate engineering courses approved by the board for those applicants having earned degrees in accordance with (a), (b) or (c) of this subsection.

(e) A nonengineering bachelor of science program can be given a maximum of two years of experience. If the degree is followed by a master of science in engineering from a school that has an ABET, Inc. accredited undergraduate program in the same discipline as the master's degree, a maximum of four years of experience may be granted for this combination of education.

(f) Graduation with an associate degree in engineering from an approved curriculum may be equivalent of up to two years of required experience.

(g) Education gained in a piecemeal fashion over time where no degree is conferred will be granted up to a maximum of two years of experience. For the purpose of this subsection, education in a "piecemeal fashion" means: One or two classes taken at a time, often at different schools; seminars; workshops; and classes taken through industry and the military. In order to determine the appropriate amount of experience, this type of education will be compared to college coursework in a baccalaureate of engineering technology degree program.

(h) The board may approve engineering degree programs from other countries.

(i) A number of foreign degree programs are included in mutual recognition agreements entered into by ABET, Inc. with other accrediting authorities. Applicants with a degree from one of these programs will be evaluated in accordance with (a) and (b) of this subsection. A list of those approved mutual recognition degree programs is maintained in the board office.

(ii) Applicants having engineering degrees from programs in countries that are not on the mutual recognition list will be required to have their transcripts evaluated by a transcript evaluation service approved by the board. This evaluation will be performed at the applicant's expense, and the applicant will be responsible for submitting all necessary information to the evaluation service. The board will use the evaluation to determine if the foreign degree is equivalent to an ABET, Inc. accredited degree. If the board determines that the degree is equivalent, experience will be granted in accordance with (a) or (b) of this subsection. If the board determines that the foreign degree is not equivalent to an ABET, Inc. accredited degree, then a maximum of three years of experience may be granted in accordance with (c) of this subsection.

(iii) An applicant with an undergraduate foreign degree from a program that is not on the mutual recognition list, can waive the requirement for a degree evaluation if they have a master of science in engineering from a school that has an ABET, Inc. accredited undergraduate engineering degree program in the same discipline as the master's degree. A maximum of four years of experience can be granted for this combination of education.

(i) Any other education will be taken into account and evaluated on its merits.

(j) Work experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) Work experience will be approved based on a demonstration of competency and progressive responsibility in the analysis, synthesis and evaluation of engineering concepts and data, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering. Under the general guidance and direct supervision of an authorized professional, the applicant must be in a position of making independent judgments and decisions in the following experience areas:

- (a) Formulating conclusions and recommendations;
- (b) Identifying design and/or project objectives;
- (c) Identifying possible alternative methods and concepts;
- (d) Defining performance specifications and functional requirements;
- (e) Solving engineering problems;
- (f) Interacting with professionals from other areas of practice;
- (g) Effectively communicating recommendations and conclusions;
- (h) Demonstrating an understanding and concern for energy/environmental considerations, and sustainability of resources.

(3) The branch of structural engineering requires specialized work experience to protect the public safety. To be eligible to take the structural license examination, an applicant must have at least two years of progressive responsibility in structural engineering experience. These two years of structural experience are in addition to the eight years of engineering experience required to be registered as a professional engineer and must be documented in the application in accordance with subsection (2) of this section. The structural engineering experience must be supervised by a licensed professional engineer in the branch of structural engineering or a licensed professional engineer with significant structural engineering work experience.

(4) Engineering teaching character may be considered satisfactory experience up to a maximum of two years.

(5) Applied research is considered satisfactory experience when it meets the following conditions:

(a) The research must be conducted under the guidance or supervision of a licensed engineer. For the purposes of this subsection, guidance or supervision means being cognizant of all applicable aspects of the work and a reviewer of all applicable reporting documentation.

(b) The principle result(s) of the research are in a published report or a recognized engineering journal article in which the applicant is the first author or the work is adequately documented and available to the board upon request.

(6) For military engineering experience to be considered acceptable, it should be similar to engineering experience that would be gained in a nonmilitary environment as defined in subsection (2) of this section, and such experience must be verified.

(7) Any work experience gained without the supervision of a professional engineer authorized to practice under chapter 18.43 RCW or an individual authorized by another statute to practice engineering, or any work experience gained in any other situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be counted toward the statutory experience requirement.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 02-01-071, § 196-12-020, filed 12/14/01, effective 1/30/02; 98-12-052, § 196-12-020, filed 5/29/98, effective 7/1/98; 92-01-101, § 196-12-020, filed 12/17/91, effective 1/17/92; 87-13-005 (Order PM 606), § 196-12-020, filed 6/4/87; 84-04-027 (Order PL 454), § 196-12-020, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-020, filed 12/18/81; Order PL-115, § 196-12-020, filed 11/24/71; Rule IIB, filed 11/15/65; Rule IIB, filed 5/26/65; Rule IIB, filed 8/4/64; Rule IB, filed 12/26/62.]

WAC 196-12-030 Examinations. (1) Except as provided in WAC 196-12-050, to become licensed as a professional engineer the candidate must pass two stages of examination. The first stage is the fundamentals-of-engineering examination. The second stage examination consists of multiple parts including the principles and practice (branch) examination and law and ethics examination. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. The fundamentals-of-engineering examination must be passed, or waived in accordance with WAC 196-12-050, before taking the second stage examination.

Examinations are given at times and places designated by the board. Refer to the respective internet websites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi. Examinees will not be allowed to view any examination material prior to taking the examination other than syllabi available to the public or sample examination booklets published by the National Council of Examiners for Engineering and Surveying. If one examination part is failed, only that examination part must be retaken.

(2) If a professional engineer holding a current registration in the state of Washington wants to become licensed in multiple branches of engineering, an additional principle and practice examination must be taken in each branch.

(3) The branch of structural engineering requires a series of examinations, as determined by the board, to protect the public safety. To become licensed as a professional engineer in the branch of structural engineering, the candidate must pass: The stage 1 fundamentals-of-engineering examination; the stage 2 principles and practice of engineering (PE) and the take-home law and ethics examinations; and the stage 3 examination comprised of examinations in the principles and practice of structural engineering and structural engineering issues important to Washington state.

(2007 Ed.)

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-030, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 02-01-071, § 196-12-030, filed 12/14/01, effective 1/30/02; 01-09-016, § 196-12-030, filed 4/6/01, effective 5/7/01; 98-12-052, § 196-12-030, filed 5/29/98, effective 7/1/98; 93-01-081, § 196-12-030, filed 12/15/92, effective 1/15/93; 84-04-027 (Order PL 454), § 196-12-030, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-030, filed 12/18/81; Order PL-129, § 196-12-030, filed 7/27/72; Order PL-115, § 196-12-030, filed 11/24/71; Order 11, § 196-12-030, filed 9/12/68; Rule IIC, filed 11/15/65, 8/4/64; Rule IC, filed 12/26/62.]

WAC 196-12-035 Examination review and request for rescore of examination questions.

(1) Examinees who achieve a passing score will not be permitted to review their examination. Examinees who fail to achieve a passing score will be permitted to review, and request a rescore on, only those examinations that have essay (free response) questions. Reviewing and rescoring professional engineering examinations that have multiple choice questions will not be permitted. The board will provide examinees that have not passed a multiple choice exam a scoring breakdown of how they performed on the various subjects tested on the examination.

(2) For those examinations which the board has identified as permissible for review, examinees may review their examination (test booklet, solution pamphlet and answer key) during a period and location prescribed by the board. Examinees who fail to review their examination during the prescribed time will not be rescheduled for a review of that examination. The examination review guidelines are as follows:

(a) An examinee can review his or her examination one time only. An appointment for this review must be scheduled in advance with board staff.

(b) All examination reviews shall be conducted in the presence of a designated proctor. No one may accompany the examinee during the examination review except where persons with disability require assistance, and that need is conveyed to board staff when the exam review appointment is made.

(c) Each examinee will be given a review sheet that they can take with them following the review. This review sheet will only include the problem number, problem subject matter, the score achieved for each problem and total score.

(d) Scratch paper and writing instruments will be provided during the examination review. No scratch paper may be removed from the review area.

(e) Examinees may request to have their examination rescored only at the time they review their exam. Essay (free response) questions may be rescored if the total exam score falls within the range allowed for rescore established by the National Council of Examiners for Engineering and Surveying (NCEES), and, the examinee can demonstrate, in writing, sufficient technical justification that their solution deserves reconsideration. The required fee must be paid at the time the appeal is prepared. The rescore results are final.

[Statutory Authority: RCW 18.43.035. 01-09-016, § 196-12-035, filed 4/6/01, effective 5/7/01.]

WAC 196-12-045 Comity registration of applicants qualified in other jurisdictions. (1) Applicants for registration as a professional engineer by comity must meet the following criteria:

[Title 196 WAC—p. 9]

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee pursuant to WAC 196-26A-035.

(b) The applicant's qualifications must meet the requirements of chapter 18.43 RCW and this chapter.

(c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice if different from the jurisdiction of original registration.

(d) The applicant has been qualified by written examinations determined by the board to adequately test the fundamentals and principles and practice of engineering.

(2) The applicant will be required to pass the law and ethics examination and may be required to take and pass state specific examinations to demonstrate competency in issues specific to Washington.

(3) The original application for comity may be for multiple branches of engineering provided that the applicant has passed an examination in each branch equivalent to the examination given in the state of Washington. Licenses will be issued only in the branches of engineering offered by the board. Additional branches may be added at a later time; however, this will require submitting a new application and fee.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-045, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 98-12-052, § 196-12-045, filed 5/29/98, effective 7/1/98.]

WAC 196-12-050 Waiving the fundamentals-of-engineering examination. An applicant who has at least twelve years of experience satisfactory to the board as identified in WAC 196-12-020(2) after obtaining a baccalaureate degree in an approved engineering curriculum as defined in WAC 196-12-020 (1)(a), (e) and (h)(i) and (ii), may request that the stage 1 fundamentals-of-engineering (FE) examination be waived and that permission be granted to take the stage 2 examination (principles and practice and law and ethics) only: Provided, That the applicant has not failed the FE examination within the last ten years.

The opportunity to waive the stage 1 examination is based on the premise that the demonstration of a solid experience record is a better measure of engineering competency than the passage of the stage 1 examination at this point in the applicant's career. It is the board's discretion, based on information provided in the application, as to whether to grant a waiver.

Teaching experience is not limited to two years for the purposes of qualifying for this waiver.

The applicant should take note that a license granted based on waiving the fundamentals exam may not be accepted by other licensing jurisdictions.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-050, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 98-12-052, § 196-12-050, filed 5/29/98, effective 7/1/98; 93-01-081, § 196-12-050, filed 12/15/92, effective 1/15/93; 92-01-101, § 196-12-050, filed 12/17/91, effective 1/17/92; 84-04-027 (Order PL 454), § 196-12-050, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-050, filed 12/18/81; Order PL 181, § 196-12-050, filed 1/28/75; Order PL-121, § 196-12-050, filed 5/3/72; Order ELS 7001, § 196-12-050, filed 5/18/70; Order 11, § 196-

12-050, filed 9/12/68; Rule IID, filed 11/15/65, 8/4/64; Rule IE, filed 12/26/62.]

WAC 196-12-055 Temporary permits—Information required of nonresidents intending to practice thirty days or less in a calendar year. Every nonresident engineer who intends to conduct professional practice under the exemption of RCW 18.43.130(2), shall furnish the board, a minimum of three months prior to the commencement of such work with the following information:

(1) A properly completed application as prescribed by the board.

(2) Jurisdiction where currently registered.

(3) Imprint of professional seal.

(4) Dates work is to be started and terminated in the state of Washington. If the time differential between the starting and terminating date is in excess of thirty days in any calendar year, applicant must specify the days (totaling no more than thirty) on which the practice of engineering is to be performed in Washington.

(5) Name and address of client.

(6) Description and location (address) of project and regulating authority (if applicable).

(7) Application fee as determined by the director of the department of licensing.

Upon approval of the information submitted, the board shall issue a permit to the nonresident engineer for the temporary practice of engineering in Washington.

Plans, specifications, and reports prepared by the nonresident engineer shall be signed, dated, and stamped with their professional seal. A copy of the permit issued by this board shall be attached to the engineering documents submitted for approval or building permit.

The exemption contained in RCW 18.43.130(2) shall only apply to individuals. Corporations and partnerships shall not practice in Washington unless authorized to do so under RCW 18.43.130 (8) and (9).

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-055, filed 1/21/04, effective 2/21/04.]

WAC 196-12-065 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional engineer having reached at least the age of sixty-five and having discontinued active practice as an engineer may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of an engineering document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional engineering services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that

occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional engineer (PE), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as an engineer in a volunteer capacity, provided that the retired registrant does not create an engineering document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on engineering topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of engineering, such as members of commissions, boards or committees;

(h) Serve in an engineering capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any engineering activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional engineer who has a valid/active registration in the records of the board;

(b) Act as the designated engineer or the engineer in responsible charge for a Washington engineering corporation or Washington engineering limited liability company;

(c) Apply their professional engineers seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way per-

manently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-12-065, filed 1/21/04, effective 2/21/04.]

Chapter 196-16 WAC

REGISTERED PROFESSIONAL LAND SURVEYORS

WAC

196-16-006	Declaration and purpose.
196-16-007	Eligibility and applications.
196-16-010	Experience records.
196-16-020	Examinations.
196-16-031	Comity—Registration of applicants qualified in other jurisdictions.
196-16-035	Retired status certificate of registration.

CONTINUING PROFESSIONAL DEVELOPMENT FOR PROFESSIONAL LAND SURVEYORS

196-16-100	Purpose and effective date.
196-16-105	Definitions.
196-16-110	Requirements.
196-16-115	Qualifying activities.
196-16-120	Units.
196-16-125	Activities that do not qualify for PDH credits.
196-16-130	Determination of credit.
196-16-135	Recordkeeping and audits.
196-16-140	Noncompliance with continuing professional development.
196-16-145	Exemptions.
196-16-150	Waivers.
196-16-155	Inactive license status.
196-16-160	Comity/out-of-jurisdiction resident.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-16-005	Definitions. [Statutory Authority: RCW 18.43.035. 82-01-064 (Order 81-10), § 196-16-005, filed 12/18/81; Rule III (part), filed 11/15/65; Rule III (part), filed 8/4/64.] Repealed by 96-11-086, filed 5/14/96, effective 7/1/96. Statutory Authority: RCW 18.43.035.
196-16-030	Reports. [Rule IIC, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64.
196-16-040	Evaluation of candidates for land surveyor licenses. [Rule IID, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64. See WAC 196-16-010 and 196-16-020.
196-16-050	Fees. [Order PL 224, § 196-16-050, filed 11/5/75; Order PL 181, § 196-16-050, filed 1/28/75; Rule IIID, filed 11/15/65; Rule IIID, filed 8/4/64; Rule IIE, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-055	Renewal of licenses. [Order PL 224, § 196-16-055, filed 11/5/75; Order PL 181, § 196-16-055, filed 1/28/75; Order PL 176, § 196-16-055, filed 10/15/74.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-060	Correspondence. [Order PL-115, § 196-16-060, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-16-006 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be licensed as professional land surveyors.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-006, filed 1/21/04, effective 2/21/04.]

WAC 196-16-007 Eligibility and applications. The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals-of-land surveying examination to be eligible for the professional land surveyor examination. The eight years of experience must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee as listed in WAC 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be received by the board three months prior to the date of the examination in order for the board to determine eligibility prior to examination deadlines. Failure to have the supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee as listed in WAC 196-26A-025 is required to reschedule for an examination.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-007, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-007, filed 5/14/96, effective 7/1/96; 89-05-021 (Order PM 820), § 196-16-007, filed 2/10/89; 88-12-044 (Order PM 738), § 196-16-007, filed 5/27/88; 87-13-005 (Order PM 606), § 196-16-007, filed 6/4/87; 84-04-027 (Order PL 454), § 196-16-007, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-007, filed 12/18/81; Order PL 224, § 196-16-007, filed 11/5/75; Order PL-129, § 196-16-007, filed 7/27/72; Order PL-115, § 196-16-007, filed 11/24/71; Rule IIIA, filed 11/15/65; Rule IIIA, filed 8/4/64.]

WAC 196-16-010 Experience records. The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for postgraduate college courses approved by the board. Postgradu-

ate education will count toward the eight years of required experience as described in subsection (2) of this section.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating work experience, the board will be looking for eight years of broad based, progressive field and office experience in surveying work under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying, a minimum of four years of which shall be in a position of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional except as provided for in subsections (1)(d) and (3) of this section. This latter experience shall not be limited to, but must include the following:

(a) Applying state, federal and case law;

(b) Exercising sound judgment when making independent decisions regarding complex boundary, topographic, horizontal and vertical control, and mapping issues;

(c) Field identification and evaluation of boundary evidence, including monumentation, and the ability to use that evidence for boundary determination;

(d) Conducting research;

(e) Preparing and analyzing complex property descriptions; and

(f) Interacting with clients and the public in conformance with chapter 196-27A WAC.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of two years.

(4) In evaluating combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(5) Any work experience gained in a situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be credited towards the experience requirement.

(6) A registered professional engineer who applies to become registered as a professional land surveyor must meet the requirements stated within this section.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-010, filed 5/14/96, effective 7/1/96; 87-13-005 (Order PM 606), § 196-16-010, filed 6/4/87; 84-04-027 (Order PL 454), § 196-16-010, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-010, filed 12/18/81; Order PL-115, § 196-16-010, filed 11/24/71; Rule IIIB, filed 11/15/65; Rule IIIB, filed 8/4/64; Rule IIA, filed 12/26/62.]

WAC 196-16-020 Examinations. (1) To become licensed as a professional land surveyor the candidate must pass the fundamentals-of-land surveying examination, principles and practice examination, and law and ethics examina-

tion. A candidate must pass the fundamentals-of-land surveying examination before taking the principles and practice examination. The fundamentals and principles and practice examinations are given at times and places designated by the board. See the respective internet websites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. If one of these examinations is failed, only that examination must be retaken.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-020, filed 5/14/96, effective 7/1/96; 93-01-081, § 196-16-020, filed 12/15/92, effective 1/15/93; 89-05-021 (Order PM 820), § 196-16-020, filed 2/10/89; 84-04-027 (Order PL 454), § 196-16-020, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-020, filed 12/18/81; Order PL-121, § 196-16-020, filed 5/3/72; Order PL-115, § 196-16-020, filed 11/24/71; Rule IIIC, filed 11/15/65; Rule IIIC, filed 8/4/64; Rules IIB and IID (part), filed 12/26/62.]

WAC 196-16-031 Comity—Registration of applicants qualified in other jurisdictions. (1) Applicants for registration as a land surveyor by comity must meet the following criteria:

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee pursuant to WAC 196-26A-035;

(b) The applicant's qualifications meet the requirements of chapter 18.43 RCW and this chapter;

(c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration; and

(d) The applicant has been qualified by a written examination determined by the board to adequately test the fundamentals and principles and practice of land surveying and whose experience includes WAC 196-16-010 (2)(a) through (f).

(2) The applicant will be required to pass examinations to demonstrate competency in land surveying issues important to Washington, and law and ethics. Comity applicants will not be required to take the fundamentals-of-land surveying and full principles and practice examinations administered by the board.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-031, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 96-11-086, § 196-16-031, filed 5/14/96, effective 7/1/96; 93-01-081, § 196-16-031, filed 12/15/92, effective 1/15/93; 91-23-111, § 196-16-031, filed 11/20/91, effective 12/21/91; 89-05-021 (Order PM 820), § 196-16-031, filed 2/10/89; 84-04-027 (Order PL 454), § 196-16-031, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-031, filed 12/18/81; Order PL-115, § 196-16-031, filed 11/24/71.]

WAC 196-16-035 Retired status certificate of registration. In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional land surveyor, having reached at least the age of sixty-five and having discontinued active practice as a land surveyor, may be

eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of a land surveying document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as a land surveyor in a volunteer capacity, provided that the retired registrant does not create a land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of land surveying, such as members of commissions, boards or committees;

(h) Serve in a land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(i) A professional land surveyor in retired status is not required to complete continuing professional development as provided in WAC 196-16-110. However, if a retired status land surveyor wishes to return to active status, the licensee will need to complete an additional fifteen PDH during their first year of reactivated practice.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated land surveyor or land surveyor in responsible charge for a Washington land surveying corporation or Washington land surveying limited liability company;

(c) Apply their professional land surveyors seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

[Statutory Authority: RCW 18.43.035. 06-11-120, § 196-16-035, filed 5/19/06, effective 7/1/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-16-035, filed 1/21/04, effective 2/21/04.]

CONTINUING PROFESSIONAL DEVELOPMENT FOR PROFESSIONAL LAND SURVEYORS

WAC 196-16-100 Purpose and effective date. The purpose of the continuing professional development requirement is to encourage licensed professional land surveyors, under chapter 18.43 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, licensed land surveyors must meet the requirements of this chapter as a condition of continued licensure.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-100, filed 5/19/06, effective 7/1/06.]

WAC 196-16-105 Definitions. Terms used in this section are defined as follows:

(1) Professional Development Hour (PDH)—An hour engaged in a qualifying activity.

(2) Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals ten Professional Development Hours.

(3) College/Unit Semester/Unit Quarter—Completion of courses in college level curriculums satisfactory to the board.

(4) Qualifying activity—Any activity that is related to land surveying or will help the licensee maintain competency in their practice as a professional land surveyor.

(5) Year—That twelve-month period between the anniversaries of the licensee's birth date.

(6) Board—The board of registration for professional engineers and land surveyors.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-105, filed 5/19/06, effective 7/1/06.]

WAC 196-16-110 Requirements. Starting on July 1, 2006, all licensed professional land surveyors wishing to maintain lawful practice must accumulate fifteen PDH per year of a two-year renewal cycle. All renewals for licensure as a professional land surveyor occurring on or after July 1, 2007 are subject to audit by the board.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-110, filed 5/19/06, effective 7/1/06.]

WAC 196-16-115 Qualifying activities. The board believes that individuals licensed as professional land surveyors should have the discretion to make independent choices on what activities help them to be improved practitioners. While the board will not provide advance approvals for selected activities or vendors they do expect licensees to seek out qualifying activities that can be demonstrated to the satisfaction of the board that they are relevant to the licensee's continuing professional development.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-115, filed 5/19/06, effective 7/1/06.]

WAC 196-16-120 Units. Qualifying activities will accrue PDH as follows:

1. College hours:
 - a. Completion of 1 college semester hour 45 PDH
 - b. Completion of 1 college quarter hour 30 PDH
2. 1 Continuing education unit 10 PDH
3. For publication or presentation of each:
 - a. Authored technical paper or article 10 PDH
 - b. Authored book 30 PDH
4. Membership in professional/technical societies or government committees or boards. (Not to exceed 5 PDH/year) 2 1/2 PDH
5. For each hour of attendance at professional or technical society meetings with an informational program. (Not to exceed 5 PDH/year) 1 PDH
6. For each hour of attendance at meetings or hearings of the board. (Not to exceed 7 1/2 PDH/year) 1 PDH
7. For each hour of preparation and subsequent presentation (*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. (Not to exceed 10 PDH/year) (*) *This credit does not apply to full-time faculty* 1 PDH
8. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations.

- | | |
|---|-------|
| 9. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. (Not to exceed 5 PDH/year) | 1 PDH |
| 10. For each hour of participation in organized courses, including employer provided courses, on first aid/safety, technical or management skills. | 1 PDH |
| 11. For each hour of participation in sessions, or courses sponsored by technical or professional societies, organizations or the board. | 1 PDH |
| 12. Each hour of self-study. (Not to exceed 5 PDH/year) | 1 PDH |

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-120, filed 5/19/06, effective 7/1/06.]

WAC 196-16-125 Activities that do not qualify for PDH credits. The following are not considered qualifying activities:

- (1) Taking courses, specialized instruction or meeting performance criteria that were conditions of a board order.
- (2) Attendance or testimony at legislative hearings.
- (3) Attendance or testimony at city or county council meetings/hearings.
- (4) Attendance or testimony at civil or criminal trials.
- (5) Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
- (6) Attendance at gatherings that are primarily social in nature.
- (7) Membership and/or attendance in service club meetings.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-125, filed 5/19/06, effective 7/1/06.]

WAC 196-16-130 Determination of credit. The board is the final authority with respect to acceptance of claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the fifteen PDH annual requirements may be carried forward to the next renewal period.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-130, filed 5/19/06, effective 7/1/06.]

WAC 196-16-135 Recordkeeping and audits. The licensee is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The licensee is required to keep their records of continuing education covering the cumulative time in the current renewal period and the full two years of the prior renewal period. All continuing professional development records and supporting documentation must be furnished to the board upon request.

If an audit disqualifies credits that were reported to the board by a licensee and results in the licensee failing to complete the PDH requirements, the board may renew the license and require the shortage to be made up in the subsequent renewal period.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-135, filed 5/19/06, effective 7/1/06.]

(2007 Ed.)

WAC 196-16-140 Noncompliance with continuing professional development. (1) A licensed land surveyor who fails to comply with the requirements of this chapter is subject to disciplinary action by the board.

(2) A licensed land surveyor who, through the course of an audit, is found to have falsified continuing professional development documentation to the board is subject to disciplinary action by the board.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-140, filed 5/19/06, effective 7/1/06.]

WAC 196-16-145 Exemptions. Individuals who are in "Retired Status" as provided in WAC 196-16-035 or have been approved for "Inactive Status" as provided in WAC 196-16-155 are exempt from the requirements of collecting continuing professional development hours.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-145, filed 5/19/06, effective 7/1/06.]

WAC 196-16-150 Waivers. The board may grant a waiver to the time requirement for collection of continuing professional development to individuals who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the board. All waivers expire on the next date of license renewal unless the board grants an extension.

The board may grant waivers for:

- (a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.
- (b) Individuals who have been placed on active military duty for at least one hundred twenty days.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-150, filed 5/19/06, effective 7/1/06.]

WAC 196-16-155 Inactive license status. Any licensee who signs a board approved affirmation that they are not engaged in the practice of land surveying is eligible for inactive license status. Those with inactive status are prohibited from land surveying practice as defined in chapter 18.43 RCW. A licensee on inactive status may reinstate their license to active status by written request to the board and payment of any applicable fees. In the first year of reactivated practice the licensee may be required by the board to collect an additional fifteen PDH.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-155, filed 5/19/06, effective 7/1/06.]

WAC 196-16-160 Comity/out-of-jurisdiction resident. The continuing professional development requirements, as provided for in this chapter, may be satisfied when the board can verify that a licensee has satisfied continuing professional development requirements in another state, which are judged by the board as equivalent to the requirements of this chapter.

[Statutory Authority: RCW 18.43.035. 06-11-119, § 196-16-160, filed 5/19/06, effective 7/1/06.]

Chapter 196-20 WAC

ENGINEERS-IN-TRAINING

WAC

196-20-005	Declaration and purpose.
196-20-010	Eligibility and applications.
196-20-020	Experience.
196-20-030	Examinations.
196-20-035	Examination review.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-20-040	Fees. [Order PL 224, § 196-20-040, filed 11/5/75; Order PL-115, § 196-20-040, filed 11/24/71; Rule ID, filed 8/4/64; Rule IID, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-20-050	Correspondence. [Order PL-115, § 196-20-050, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

WAC 196-20-005 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be enrolled as engineers-in-training.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-10-067, § 196-20-005, filed 5/3/04, effective 6/3/04.]

WAC 196-20-010 Eligibility and applications. The law requires the completion of four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals-of-engineering examination. If the applicant has achieved senior standing, that standing must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals-of-engineering examination must be completed sixty days prior to the date of the examination. All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee as listed in WAC 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination.

All applicants should submit transcripts of degrees attained or college courses taken in order to obtain maximum experience credit except, applicants enrolled in a school or college having achieved senior standing in a baccalaureate curriculum in engineering approved by the board will be eligible to take the fundamentals-of-engineering examination without submitting college transcripts.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall submit a request in writing, accompanied by the applicable fee as listed in WAC 196-26A-025, to take or retake the examination, at least three months prior to the examination date.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-10-067, § 196-20-010, filed 5/3/04, effective 6/3/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-20-010, filed 5/14/96, effective 7/1/96; 88-12-044 (Order PM 738), § 196-20-010, filed 5/27/88; 84-04-027 (Order PL 454), § 196-20-010, filed 1/25/84; 82-01-064 (Order 81-10), § 196-20-010, filed 12/18/81;

Order PL 224, § 196-20-010, filed 11/5/75; Order PL-129, § 196-20-010, filed 7/27/72; Rule IA, filed 8/4/64; Rule IIIA, filed 12/26/62.]

WAC 196-20-020 Experience. The board shall evaluate all experience on a case-by-case basis and approve such experience as appropriate. Partial credit may be granted for experience and/or education that does not fully meet the requirements. The board will use the following criteria in evaluating an applicant's education and experience:

(1) Graduation in an approved engineering curriculum of four years or more from a school or college recognized by the board, is equivalent to the four-year experience requirement.

(2) Four years or more of broad based progressive experience in the fundamental knowledge of engineering theory and practice, of a character acceptable to the board, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering is equivalent to the four-year experience requirement.

The experience shall not be limited to, but must include, the following:

(a) Preparation of technical reports and specifications, including graphics;

(b) Application of mathematical techniques to problem solving;

(c) Application of the basic physical sciences (chemistry, dynamics, statics, physics, etc.) in tasks;

(d) Performing assignments, experiments and tests to general specifications;

(e) Compilation and interpretation of data (statistical analysis, etc.);

(f) Executing complex engineering tasks according to instructions;

(g) Effective communication with associates and presenting recommendations and conclusions to supervisor;

(h) Knowledge of the impacts of the products of technology on society (i.e., energy/environmental considerations).

(3) In evaluating the four years of combined education and experience, the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (h) of this section.

(4) In the judgment of the board, the applicant must have demonstrated increased levels of responsibility and a continuous gain in experience and knowledge such that at the time of being approved for the fundamentals-of-engineering examination, the applicant is capable of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-10-067, § 196-20-020, filed 5/3/04, effective 6/3/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-20-020, filed 5/14/96, effective 7/1/96; 87-13-005 (Order PM 606), § 196-20-020, filed 6/4/87; Rule IB, filed 8/4/64; Rule IIIB, filed 12/26/62.]

WAC 196-20-030 Examinations. (1) The fundamentals-of-engineering examination is given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained at the internet web site of the National Council of Examiners for Engineering and Surveying (NCEES).

(2) An applicant passing the fundamentals-of-engineering examination will be enrolled as an engineer-in-training pursuant to RCW 18.43.020(3).

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-10-067, § 196-20-030, filed 5/3/04, effective 6/3/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-20-030, filed 5/14/96, effective 7/1/96; 87-13-005 (Order PM 606), § 196-20-030, filed 6/4/87; 84-04-027 (Order PL 454), § 196-20-030, filed 1/25/84; 82-01-064 (Order 81-10), § 196-20-030, filed 12/18/81; Order PL 181, § 196-20-030, filed 1/28/75; Order PL-129, § 196-20-030, filed 7/27/72; Order PL-115, § 196-20-030, filed 11/24/71; Rule IC, filed 8/4/64; Rule IIIC, filed 12/26/62.]

WAC 196-20-035 Examination review. Because the examination contains only multiple choice questions and no essay (free response) questions, and the examination cannot be appealed, no review of the fundamentals-of-engineering examination will be permitted. However, examinees that fail to achieve a passing score will be provided a scoring breakdown of how they performed on the various subjects in the examination.

[Statutory Authority: RCW 18.035 [18.43.035]. 00-23-105, § 196-20-035, filed 11/21/00, effective 12/22/00.]

Chapter 196-21 WAC LAND SURVEYORS-IN-TRAINING

WAC

196-21-005	Declaration and purpose.
196-21-010	Eligibility and applications.
196-21-020	Experience.
196-21-030	Examinations.
196-21-035	Examination review.

WAC 196-21-005 Declaration and purpose. This chapter contains rules and procedures for applications, eligibility and examinations to be enrolled as land surveyors-in-training.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-005, filed 1/21/04, effective 2/21/04.]

WAC 196-21-010 Eligibility and applications. The law requires completing four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals-of-land surveying examination. If the applicant has achieved senior standing, that status must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals-of-land surveying examination must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee as listed in WAC 196-26A-025 is four months prior to the date of examination. Late applications will be considered for a later examination.

All applicants should submit transcripts of degrees attained or college courses taken in order to obtain maximum experience credit except, applicants enrolled in a school or college that have achieved senior standing in a baccalaureate curriculum in land surveying approved by the board will be eligible to take the fundamentals-of-land surveying examination without submitting college transcripts.

(2007 Ed.)

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall submit a request in writing, accompanied by the applicable fee as listed in WAC 196-26A-025, to take or retake the examination, at least three months prior to the examination date.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-21-010, filed 5/14/96, effective 7/1/96.]

WAC 196-21-020 Experience. The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for post-graduate college courses approved by the board.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating four years of work experience, the board will be looking for broad based, progressive experience in the fundamental knowledge of surveying theory and practice under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying. This experience shall not be limited to, but must include the following:

(a) Performing complex survey calculations;
(b) Conducting boundary and corner research;
(c) Preparing and using property descriptions;
(d) Understanding and applying fundamental boundary and topographic principles;

(e) Making and/or analyzing horizontal and vertical control measurements; and

(f) Being skilled in survey equipment care and usage.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) In evaluating the four years of combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(4) In the judgment of the board, the applicant must have demonstrated increased levels of responsibility and a contin-

uous gain in experience and knowledge such that at the time of being approved for the fundamentals-of-land surveying examination, the applicant is capable of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-21-020, filed 5/14/96, effective 7/1/96.]

WAC 196-21-030 Examinations. (1) The fundamentals-of-land surveying examination is given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained at the internet web site of the National Council of Examiners for Engineering and Surveying (NCEES).

(2) An applicant passing the fundamentals-of-land surveying examination will be enrolled as a land surveyor-in-training pursuant to RCW 18.43.020(8).

[Statutory Authority: Chapters 18.43 and 18.235 RCW. 04-04-001, § 196-21-030, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. 96-11-086, § 196-21-030, filed 5/14/96, effective 7/1/96.]

WAC 196-21-035 Examination review. Because the examination contains only multiple choice questions and no essay (free response) questions, and the examination cannot be appealed, no review of the fundamentals-of-land surveying examination will be permitted. However, examinees that fail to achieve a passing score will be provided a scoring breakdown of how they performed on the various subjects in the examination.

[Statutory Authority: RCW 18.035 [18.43.035]. 00-23-105, § 196-21-035, filed 11/21/00, effective 12/22/00.]

Chapter 196-23 WAC STAMPING AND SEALS

WAC

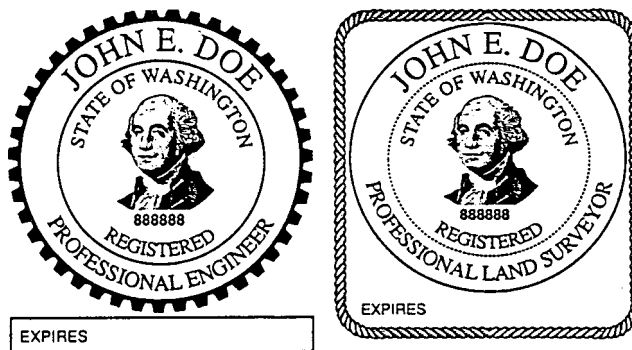
196-23-010	Seals.
196-23-020	Seal/stamp usage.
196-23-040	Use of the title S.E.
196-23-070	Signature.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-23-030	Providing direct supervision. [Statutory Authority: RCW 18.43.035. 99-15-050, § 196-23-030, filed 7/15/99, effective 8/15/99.] Repealed by 06-22-034, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 18.43.035. Later promulgation, see WAC 196-25-070.
196-23-050	Practice by businesses, organizations or public agencies. [Statutory Authority: RCW 18.43.035. 99-15-056, § 196-23-050, filed 7/15/99, effective 8/15/99.] Repealed by 06-22-034, filed 10/25/06, effective 11/25/06. Statutory Authority: RCW 18.43.035. Later promulgation, see WAC 196-25-080.

WAC 196-23-010 Seals. All individuals licensed in accordance with chapter 18.43 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Registered professional engineer or registered professional land surveyor;
- (3) Certificate number;
- (4) Licensee's name as shown on wall certificate;
- (5) Date of license expiration. (Expiration date to be handwritten by licensee.)



[Statutory Authority: RCW 18.43.035. 06-22-036, § 196-23-010, filed 10/25/06, effective 11/25/06; 99-15-058, § 196-23-010, filed 7/15/99, effective 8/15/99.]

WAC 196-23-020 Seal/stamp usage. The use of the seal/stamp shall be in accordance with chapter 18.43 RCW or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for filing with public officials, use for construction, final agency approvals or use by clients. Any final document must contain the seal/stamp, handwritten license expiration date by the licensee[,], signature and date of signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, specifications, plats, surveys[,], as-built documents prepared by the licensee[,], and reports.

(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents must be stamped, but need not be signed or dated by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp, signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work, and date of signature.

(a) Plans/plats containing work prepared by or under the direct supervision of more than one licensee should be sealed/stamped[/]dated by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work.

(c) Plan/plat sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design. The origin of the background information shall be noted on the plan sheet.

(d) All design revisions to final plan/plat sheets shall [shall] clearly identify on each sheet; the revisions made and shall contain the name and seal of the licensee, and signature of the licensee with the date the sheet was sealed.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp, signature of the licensee and the date of signature. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an engineering or land surveying nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be construed to require that each page of an engineering or land surveying specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another professional engineer or land surveyor, the reviewing licensee shall fully review those documents and shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp, sign and date the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

[Statutory Authority: RCW 18.43.035, 06-22-036, § 196-23-020, filed 10/25/06, effective 11/25/06; 99-15-055, § 196-23-020, filed 7/15/99, effective 8/15/99.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 196-23-040 Use of the title S.E. Only professional engineers who have completed the state of Washington's requirements for licensure in structural engineering are permitted to use the title of S.E. when representing his or her licensing credential, as in, *James Smith, P.E., S.E.* Use of the title S.E. by any individual who is not licensed in structural engineering as provided in chapter 18.43 RCW, is subject to disciplinary action by the board in accordance with chapter 18.43 RCW and/or chapter 18.235 RCW.

[Statutory Authority: RCW 18.43.035, 06-22-035, § 196-23-040, filed 10/25/06, effective 11/25/06.]

WAC 196-23-070 Signature. The terms "signature or signed," as used in chapter 18.43 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification that represents the act of putting one's name on a document to attest to its validity. The handwritten identification must be:

- (a) Original and written by hand;
- (b) Permanently affixed to the document(s) being certified;
- (c) Applied to the document by the identified licensee[;][.]
- (d) Placed directly over the seal/stamp of the licensee.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification must be:

- (a) Unique to the licensee using it;
- (b) Capable of independent verification;
- (c) Under the exclusive control of the licensee using it;

(2007 Ed.)

(d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

[Statutory Authority: RCW 18.43.035, 06-22-036, § 196-23-070, filed 10/25/06, effective 11/25/06. Statutory Authority: Chapters 18.43 and 18.235 RCW, 04-04-001, § 196-23-070, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 01-09-017, § 196-23-070, filed 4/6/01, effective 5/7/01.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 196-25 WAC BUSINESS PRACTICES

WAC

196-25-001	Purpose.
196-25-002	Definitions.
196-25-005	Businesses that must be authorized by the board.
196-25-010	Applications.
196-25-040	Provisions pertaining to only corporations, joint stock associations and limited liability companies.
196-25-050	Branch offices.
196-25-060	Offer to practice.
196-25-070	Providing direct supervision.
196-25-080	Practice by businesses, organizations or public agencies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-25-020	Corporations or joint stock associations. [Statutory Authority: RCW 18.43.035 and 18.43.130, 98-12-053, § 196-25-020, filed 5/29/98, effective 7/1/98.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.
196-25-030	Limited liability companies. [Statutory Authority: RCW 18.43.035 and 18.43.130, 98-12-053, § 196-25-030, filed 5/29/98, effective 7/1/98.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.
196-25-100	Retired status certificate of registration. [Statutory Authority: RCW 18.43.035, 99-15-052, § 196-25-100, filed 7/15/99, effective 8/15/99.] Repealed by 04-04-001, filed 1/21/04, effective 2/21/04. Statutory Authority: Chapters 18.43 and 18.235 RCW.

WAC 196-25-001 Purpose. The purpose of this chapter is to provide clarification on how businesses are authorized to provide engineering or land surveying services in Washington and to implement that part of chapter 18.43 RCW related to corporations and limited liability companies offering engineering and land surveying services, as enacted by the 1997 legislature.

[Statutory Authority: Chapters 18.43 and 18.235 RCW, 04-04-001, § 196-25-001, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130, 98-12-053, § 196-25-001, filed 5/29/98, effective 7/1/98.]

WAC 196-25-002 Definitions. Board. The Washington state board of registration for professional engineers and land surveyors.

Professional engineer. A person registered by the board under chapter 18.43 RCW to practice engineering in this state.

Professional land surveyor. A person registered by the board under chapter 18.43 RCW to practice land surveying in this state.

[Title 196 WAC—p. 19]

Resident engineer or resident land surveyor. A currently registered professional engineer or land surveyor who maintains a business headquarters or branch office as his/her normal place of employment, and is in responsible charge of the engineering and/or land surveying services.

Business. A corporation, professional service corporation (PS), joint stock association (JSA) or limited liability company (LLC) or professional limited liability company (PLLC) that is practicing or offering to practice, engineering or land surveying or both in this state.

Designee, designated engineer, designated land surveyor. A currently registered professional engineer designated by the business to be in responsible charge of engineering activities for the business in Washington, OR, a currently registered professional land surveyor designated by the business to be in responsible charge of land surveying activities for the business in Washington.

Employee. A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.

Branch office. One or more alternate locations in Washington of a business, not recognized as the business' main office or headquarters, which is established to offer and provide engineering and/or land surveying services from that location.

Project office. A temporary remote location of an engineering and/or land surveying business that is a convenient workplace for providing specific engineering and/or land surveying services only in support of a project.

Certificate of authorization. A certificate issued by the board, pursuant to chapter 18.43 RCW, to a business authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)

[Statutory Authority: RCW 18.43.035, 05-17-053, § 196-25-002, filed 8/9/05, effective 9/9/05. Statutory Authority: RCW 18.43.035 and 18.43.130, 98-12-053, § 196-25-002, filed 5/29/98, effective 7/1/98.]

WAC 196-25-005 Businesses that must be authorized by the board. Except for professional service (PS) corporations and professional service limited liability companies (PLLC's), all corporations, joint stock associations and limited liability companies (LLC's) that offer engineering or land surveying services must obtain from the board a certificate of authorization to practice engineering or land surveying or both in the state of Washington.

A general partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.

[Statutory Authority: Chapters 18.43 and 18.235 RCW, 04-04-001, § 196-25-005, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130, 98-12-053, § 196-25-005, filed 5/29/98, effective 7/1/98.]

WAC 196-25-010 Applications. All applications must be completed on forms provided by the board and submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in

chapter 196-26A WAC; affidavit of professional engineer and/or land surveyor; and, certified copy of resolution naming the designated engineer, or land surveyor, or both.

[Statutory Authority: Chapters 18.43 and 18.235 RCW, 04-04-001, § 196-25-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130, 98-12-053, § 196-25-010, filed 5/29/98, effective 7/1/98.]

WAC 196-25-040 Provisions pertaining to only corporations, joint stock associations and limited liability companies. (1) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

(2) An affidavit must be signed by the designee(s) stating that he or she knows they have been designated by the business as being responsible for the engineering and/or land surveying activities in the state of Washington.

(3) The designated engineer and/or designated land surveyor must be an employee of the business.

(4) No person may be the designated engineer or designated land surveyor at more than one business at any one time.

(5) When there is a change in the designee(s), the business must notify the board in writing no later than thirty days after the effective date of the change and submit a new affidavit.

(6) If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the name change.

(7) At the time of renewal, the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company has been "renewed by the authority of the secretary of state" and shows a current expiration date.

(8) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

[Statutory Authority: RCW 18.43.035, 05-17-053, § 196-25-040, filed 8/9/05, effective 9/9/05; 99-15-057, § 196-25-040, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035 and 18.43.130, 98-12-053, § 196-25-040, filed 5/29/98, effective 7/1/98.]

WAC 196-25-050 Branch offices. An engineering business or land surveying business maintaining branch offices shall have a resident engineer or resident land surveyor, as applicable, in responsible charge of said engineering and/or land surveying services.

[Statutory Authority: Chapters 18.43 and 18.235 RCW, 04-04-001, § 196-25-050, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035, 99-15-053, § 196-25-050, filed 7/15/99, effective 8/15/99.]

WAC 196-25-060 Offer to practice. The offer to practice or provide engineering or land surveying services must be made by or under the direct supervision of a licensee qualified to offer said services under the provisions of chapter 18.43 RCW.

[Statutory Authority: RCW 18.43.035. 99-15-054, § 196-25-060, filed 7/15/99, effective 8/15/99.]

WAC 196-25-070 Providing direct supervision. **Direct supervision** is a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of engineering or land surveying plans, specifications, plats, reports, and related activities. **Direct supervision** requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications; or other current technology: Provided, That the licensee retains, maintains, and asserts continuing control and judgement.

[Statutory Authority: RCW 18.43.035. 06-22-033, § 196-25-070, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-030.]

WAC 196-25-080 Practice by businesses, organizations or public agencies. When a business, organization or public agency offers or performs engineering or land surveying services as defined in RCW 18.43.020, the business, organization or public agency shall perform its duties and responsibilities in accordance with chapter 18.43 RCW and applicable rules.

[Statutory Authority: RCW 18.43.035. 06-22-033, § 196-25-080, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-050.]

Chapter 196-26A WAC

REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYOR FEES (Formerly chapter 196-26 WAC)

WAC

196-26A-010	State fee authority, applications and payment procedures.
196-26A-020	Examination vendor, procedures and costs.
196-26A-025	State fees for examinations.
196-26A-030	Applications for comity licensure and temporary permits.
196-26A-035	State fees for comity licensure and temporary permit applications.
196-26A-040	Renewals for professional engineer and professional land surveyor licenses.
196-26A-045	Professional engineer, professional land surveyor renewal fees and penalties.
196-26A-050	Application for certificate of authorization.
196-26A-055	Renewal of certificate of authorization.
196-26A-060	Certificate of authorization application and renewal fees.
196-26A-070	Replacement document fees.
196-26A-100	Suspended fees.
196-26A-110	Suspended fees.

WAC 196-26A-010 State fee authority, applications and payment procedures. The state fees listed in this chapter (2007 Ed.)

ter are adopted by the director of the department of licensing (department) in accordance with RCW 43.24.086. For registration under provisions of chapter 18.43 RCW, the required state fee must accompany all applications. If payment is made by check or money order, the payment should be made payable to the state treasurer. Should an applicant be judged ineligible for examination, the fee shall be retained to cover the costs of processing. An applicant who fails an examination may be scheduled for a retake by paying the required fee within the time frame established by the board of registration for professional engineers and land surveyors (board). Applicants who fail to appear for their scheduled examination will forfeit their fees as determined by the board. Applicants may withdraw from a scheduled examination without forfeiting their fees by submitting a written notice to the board office by the date established by the board.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-010, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-020 Examination vendor, procedures and costs. The board has determined the National Council of Examiners for Engineering and Surveying (NCEES) will administer their examinations on behalf of the board. In addition to state fees, all approved applicants are charged by NCEES for the costs of examinations, exam administration and grading. All these costs must be paid in advance by the applicant to NCEES to reserve a seat at the examination. Applicants who have not paid the required costs will not be admitted to the examination. Applicants who fail to appear for their scheduled examination will forfeit all moneys paid to NCEES. The schedule of the costs charged by NCEES is available from NCEES or the board offices.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-020, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-025 State fees for examinations.

FUNDAMENTAL EXAMINATIONS:

Fundamentals of Engineering (FE):

Application fee (incl. wall certificate):	\$ 30
Processing fee to retake the FE examination:	\$ 20

Fundamentals of Land Surveying (FLS):

Application fee (incl. wall certificate):	\$ 30
Processing fee to retake the FLS examination:	\$ 20

Note: Additional charges to cover costs of NCEES fundamentals examinations, exam administration and grading will be billed by NCEES to approved applicants.

PROFESSIONAL ENGINEERING EXAMINATIONS:

NCEES Examinations: (All branches other than board prepared examinations)

Application fee (incl. wall certificate and initial license):	\$ 65
Processing fee to retake the NCEES PE exam:	\$ 30

Note: Additional charges to cover costs of NCEES PE examinations, exam administration and grading will be billed by NCEES to approved applicants.

Structural Engineering:

Note: To become licensed in structural engineering a candidate is required to pass sixteen hours of structural examinations when determined eligible under Washington law. The examinations for structural licensing consist of the NCEES Structural II and the Washington Structural III examination. One application is required for structural engineering and when approved a candidate may sit for both examinations when they are offered on successive days.

Application fee (incl. wall certificate and initial license): \$ 65

Processing fee to retake the NCEES Structural II or Washington Structural III exams: \$ 30

Note: Additional charges to cover costs of NCEES Structural II examination, exam administration and grading will be billed by NCEES to approved applicants.

Structural III examination fee: \$ 300

Examination rescore: \$ 50/item

Forest Engineering:

Application fee (incl. wall certificate and initial license): \$ 65

Processing fee to retake the forest engineering examination: \$ 30

Examination rescore: \$ 50/item

Note: The examination for licensure in forest engineering is a Washington specific examination that is offered in April of the year depending upon applications received. Interested applicants should confirm schedule by contacting the board office.

PROFESSIONAL LAND SURVEYING:

Note: The examinations for licensure in professional land surveying include an NCEES PPLS examination, a Washington specific examination and a take-home examination over Washington laws and rules. One application is required and when determined eligible a candidate will sit for the NCEES PPLS examination and the Washington specific examination on the same day.

Application fee (incl. wall certificate, state exams, and initial license): \$ 140

Processing and examination fee to retake the state PLS exam: \$ 100

Note: Additional charges to cover costs of NCEES LS examination, exam administration and grading will be billed by NCEES to approved applicants.

Processing fee to retake the NCEES PPLS examination: \$ 30

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-025, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-030 Applications for comity licensure and temporary permits. For comity licensure under the provisions of chapter 18.43 RCW, the required state fee must accompany all applications. Payment by check or money order must be made payable to the Washington state treasurer. Should an applicant be judged ineligible for licensure

by comity, the fee submitted shall be retained to cover the cost of processing.

A temporary permit to practice in the state of Washington is available to nonresidents for a period of not to exceed thirty days total in any one-year period. Eligible applicants must have a valid license to practice engineering in the United States, have no outstanding disciplinary actions against their licensure and meet the experience requirements for licensure in Washington. Temporary permits must be issued prior to any authorized practice in Washington.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-030, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-035 State fees for comity licensure and temporary permit applications.

Professional engineering, comity licensure application: \$ 110

Note: For licensure by comity in structural engineering an applicant must have a current license as a professional engineer, meet the experience requirements established by the board and have passed sixteen hours of rigorous examinations in structural engineering as determined by the board to be equivalent to the examinations required by the Washington board.

Professional engineering, temporary permit application: \$ 110

Professional land surveying, comity licensure application: \$ 140

Note: For licensure by comity in land surveying an applicant must meet the experience requirements established by the board and have passed a written examination deemed satisfactory to the board. Eligible applicants are required to pass the Washington specific examination on Washington laws and rules.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-035, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-040 Renewals for professional engineer and professional land surveyor licenses. The date of renewal, renewal interval and renewal fee is established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a license, the licensee must:

- (1) Include payment of the renewal fee;
- (2) Include the licensee's Social Security number as provided for by RCW 26.23.150; and
- (3) Include any name/address changes that apply.

If a completed application for renewal has not been received by the department by the date of expiration (postmarked before the date of expiration if mailed or transacted on-line before the date of expiration), the license becomes invalid. Licensees who fail to pay the renewal fee within ninety days of the date of expiration are required to pay an additional penalty fee equivalent to the fee for a one-year renewal. It is the responsibility of each licensee to renew their license in a timely manner regardless of whether they received a renewal notice from the department.

The licenses for individuals registered as professional engineers or professional land surveyors shall be renewed every two years or as otherwise set by the director of the department of licensing. The date of renewal shall be the licensee's date of birth. The initial license issued to an individual shall expire on the licensee's next birth date. However, if

the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-040, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-045 Professional engineer, professional land surveyor renewal fees and penalties.

Professional engineer (two years):	\$ 116
Professional land surveyor (two years):	\$ 116
Late renewal penalty (PE and LS only):	\$ 58

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-045, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-050 Application for certificate of authorization. Except for professional service corporations (PS) and professional service limited liability companies (PLLC) as defined by the Washington secretary of state, all corporations, joint stock associations and limited liability companies that offer engineering or land surveying services to the public must obtain a certificate of authorization from the board. Each application must be accompanied by the required state fee made payable to the state treasurer. Should an applicant be judged ineligible for certificate of authority, the fee submitted shall be retained to cover the cost of processing.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-050, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-055 Renewal of certificate of authorization. The date of renewal, renewal interval and renewal fee are established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a certificate of authorization, payment of the renewal fee must be received by the department by the date of expiration (postmarked if renewal is mailed by U.S. mail) or the certificate of authorization becomes invalid. The complete renewal must include any changes to: The name of firm, scope of services offered, mailing address of firm and name and address of licensee(s) named in responsible charge for the services provided. A certificate of authorization that is expired is invalid on the date of expiration.

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-055, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-060 Certificate of authorization application and renewal fees.

Application fee (incl. wall certificate and initial license):	\$ 150
Renewal fee (one-year):	\$ 110

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-060, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-070 Replacement document fees. The department will provide replacement or duplicate certificates (2007 Ed.)

or licenses upon written request and payment of the appropriate fee to cover costs of production and mailing.

Duplicate/replacement wall certificate:	\$ 25
Duplicate/replacement license:	\$ 15

[Statutory Authority: RCW 43.24.086 and 18.43.035. 02-13-080, § 196-26A-070, filed 6/17/02, effective 9/1/02.]

WAC 196-26A-100 Suspended fees. Effective March 1, 2006 the following fees will have the listed portions suspended from collection until July 1, 2008.

Fee categories	Current Fees	Portion Suspended	Temporary Fees
Structural Engineering:			
Structural III Examination & application fee	\$365	\$35	\$330
Structural III Examination retake:	\$330	\$30	\$300
Comity Licensure:			
Engineering	\$110	\$40	\$70
Surveyor comity	\$140	\$40	\$100

[Statutory Authority: RCW 43.24.086, 18.43.035, and 18.210.050. 06-06-019, § 196-26A-100, filed 2/21/06, effective 3/24/06.]

WAC 196-26A-110 Suspended fees. Effective July 1, 2006 the following fees will have the listed portions suspended from collection until July 1, 2008.

Fee categories	Current Fees	Portion Suspended	Temporary Fees
License Renewals:			
Engineer	\$116	\$16	\$100
Engineer late renewal penalty	\$174	\$24	\$150
Surveyor	\$116	\$16	\$100
Surveyor late renewal penalty	\$174	\$24	\$150

[Statutory Authority: RCW 43.24.086, 18.43.035, and 18.210.050. 06-06-019, § 196-26A-110, filed 2/21/06, effective 3/24/06.]

**Chapter 196-27A WAC
RULES OF PROFESSIONAL CONDUCT AND PRACTICE**

WAC

196-27A-010	Purpose and applicability.
196-27A-020	Fundamental canons and guidelines for professional conduct and practice.
196-27A-030	Explicit acts of misconduct.

WAC 196-27A-010 Purpose and applicability. (1) RCW 18.43.110 provides the board of registration for professional engineers and land surveyors (board) with the exclusive power to fine and reprimand registrants and suspend or revoke the certificate of registration of any registrant for violation of any provisions of chapter 18.43 or 18.235 RCW. This includes, as stated in RCW 18.43.105(11), "Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those prac-

ting engineering or land surveying." The purpose of chapter 196-27A WAC is to provide further guidance to registrants with respect to the accepted professional conduct and practice generally expected of those practicing engineering or land surveying.

(2) These rules of professional conduct and practice are applicable to all registrants and engineering/land surveying firms. A registrant is any person holding a certificate or license issued in accordance with chapter 18.43 RCW and an engineering/land surveying firm is one that has been issued a certificate of authorization to practice by the board.

(3) All persons, corporations, joint stock associations and limited liability companies registered under the provisions of chapter 18.43 RCW are charged with having knowledge of, and practicing in accordance with, the provisions of this chapter.

[Statutory Authority: RCW 18.43.035, 02-23-027, § 196-27A-010, filed 11/12/02, effective 12/13/02.]

WAC 196-27A-020 Fundamental canons and guidelines for professional conduct and practice. Registrants are to safeguard life, health, and property and promote the welfare of the public. To that end, registrants have obligations to the public, their employers and clients, other registrants and the board.

(1) Registrant's obligation to the public.

(a) Registrants are obligated to be honest, fair and timely in their dealings with the public, their clients and other licensed professionals.

(b) Registrants must be able to demonstrate that their final documents and work products conform to accepted standards.

(c) Registrants must inform their clients or employers of the harm that may come to the life, health, property and welfare of the public at such time as their professional judgment is overruled or disregarded. If the harm rises to the level of an imminent threat, the registrant is also obligated to inform the appropriate regulatory agency.

(d) Registrants shall maintain their competency by continuing their professional development throughout their careers and shall provide opportunities for the professional development of those individuals under their supervision.

(e) Registrants shall be objective and truthful in professional documents, reports, public and private statements and testimony; all material facts, and sufficient information to support conclusions or opinions expressed, must be included in said documents, reports, statements and testimony. Registrants shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(f) Registrants shall offer their services in a truthful, objective, professional manner that effects integrity and fosters public trust in the engineering and land surveying professions.

(g) Registrants should endeavor to extend the public knowledge of engineering and land surveying.

(h) Registrants shall accurately represent their academic credentials, professional qualifications and experience.

(i) Registrants may advertise professional services only in ways that are representative of their qualifications, experience and capabilities.

(j) Registrants shall forbid the use of their name or firm name by any person or firm that is engaging in fraudulent or dishonest business or professional practices.

(2) Registrant's obligation to employer and clients.

(a) Registrants are expected to strive with the skill, diligence and judgment exercised by the prudent practitioner, to achieve the goals and objectives agreed upon with their client or employer. They are also expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer.

(b) Registrants and their clients should have a clear and documented understanding and acceptance of the work to be performed by the registrant for the client. The registrant should maintain good records throughout the duration of the project to document progress, problems, changes in expectations, design modifications, agreements reached, dates and subject of conversations, dates of transmittals and other pertinent records consistent with prudent professional practice.

(c) Registrants shall seal only documents prepared by them or under their direct supervision as required by RCW 18.43.070.

(d) Registrants shall be competent in the technology and knowledgeable of the codes and regulations applicable to the services they perform.

(e) Registrants must be qualified by education or experience in the technical field of engineering or land surveying applicable to services performed.

(f) Registrants may accept primary contractual responsibility requiring education or experience outside of their own fields of competence, provided, their services are restricted to those parts and aspects of the project in which they are qualified. Other qualified registrants shall perform and stamp the work for other parts and aspects of the project.

(g) Registrants shall act as faithful agents or trustees in professional matters for each employer or client.

(h) Registrants shall advise their employers or clients in a timely manner when, as a result of their studies and their professional judgment, they believe a project will not be successful.

(i) Registrants shall avoid conflicts of interest, or the appearance of a conflict of interest, with their employers or clients. Registrants must promptly inform their employers or clients of any business association, interest, or circumstances that could influence their judgment or the quality of their services or would give the appearance that an existing business association, interest, or circumstances could result in influencing their judgment or the quality of their services.

(j) Registrants shall accept compensation from only one party for services rendered on a specific project, unless the circumstances are fully disclosed and agreed to by the parties of interest.

(3) Registrant's obligation to other registrants.

(a) If registrants issue statements, critiques, evaluations or arguments on engineering or land surveying matters, they shall clearly indicate on whose behalf the statements are made.

(b) Registrants shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of services required.

(c) Registrants shall respond to inquiries from other registrants regarding their work in a timely, fair and honest manner as would be expected from a prudent practitioner.

(4) Registrant's obligation to the board.

(a) Registrants shall cooperate with the board by providing, in a timely manner, all records and information requested in writing by the board, or their designee.

(b) Registrants shall respond to, or appear before the board at the time, date and location so stated in a legally served board order.

(c) Registrants shall notify the board of suspected violations of chapter 18.43 or 18.235 RCW or of these rules by providing factual information in writing to convey the knowledge or reason(s) to believe another person or firm may be in violation.

[Statutory Authority: RCW 18.43.035, 02-23-027, § 196-27A-020, filed 11/12/02, effective 12/13/02.]

WAC 196-27A-030 Explicit acts of misconduct. In addition to any failure to conform with the requirements of chapter 18.43 or 18.235 RCW, or this chapter, the following acts and any act or condition listed in RCW 18.235.130, are explicitly defined as misconduct in the practice of engineering and/or land surveying.

(1) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or, aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required.

(2) The practice of engineering or land surveying by a registrant when the registrant's license is retired (see WAC 196-25-100(6)), expired, suspended or revoked.

(3) Failing to comply with the terms and conditions of an order issued by the board.

(4) Failing to provide relevant information on plans and surveys in a clear manner consistent with prudent practice.

(5) Failing to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.

(6) Failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work, opinions or procedures, in a manner that would be expected from a prudent practitioner.

(7) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.

(8) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.

(9) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made; EXCEPT where the plans, maps, or documents are modified by the owner to reflect changes over time for their own purposes and are not used for submittals or bid documents.

(10) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.

(11) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing

with clients or employers in connection with work for which the registrant is responsible.

(12) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit beyond their professional compensation.

(13) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's integrity may be compromised.

(14) Willfully attempting to interfere with a board investigation by falsifying records, making false statements and intimidating or influencing witnesses.

(15) Willfully attempting to suborn another person to violate the law or administrative code, public policy or their code of professional ethics.

(16) Willfully making false statements or submitting fraudulent documents when reporting the completion of continuing professional development requirements.

[Statutory Authority: RCW 18.43.035, 06-11-120, § 196-27A-030, filed 5/19/06, effective 7/1/06; 02-23-027, § 196-27A-030, filed 11/12/02, effective 12/13/02.]

Chapter 196-29 WAC PROFESSIONAL PRACTICES

WAC

196-29-110

Land surveying practice standards.

WAC 196-29-110 Land surveying practice standards. Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43-105(11).

The following standards shall also apply:

(1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the "practice of land surveying" as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.

(4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:

(a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.

(b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

[Statutory Authority: RCW 18.43.035, 06-22-038, § 196-29-110, filed 10/25/06, effective 11/25/06. Formerly WAC 196-24-110.]

Chapter 196-30 WAC

FEES FOR ON-SITE WASTEWATER TREATMENT DESIGNERS AND INSPECTORS

WAC

196-30-020	On-site wastewater treatment designer and inspector fees.
196-30-030	License renewals.
196-30-100	Suspended fees.
196-30-110	Suspended fees.

WAC 196-30-020 On-site wastewater treatment designer and inspector fees. The business and professions division of the department of licensing shall assess the following fees:

Title of Fee	Amount (\$)
Practice permit application	100.00
Practice permit renewal	250.00
Designer license application	175.00
Designer license application (comity)	50.00
Designer license renewal	250.00
Designer license re-examination	100.00
Late Renewal Penalty	100.00
Certificate of competency (inspector)	
Application	175.00
Certificate of competency renewal	250.00
Certificate of competency re-examination	100.00
Late Renewal Penalty	100.00

[Statutory Authority: RCW 43.24.086 and 18.210.050, 99-24-022, § 196-30-020, filed 11/23/99, effective 12/24/99.]

WAC 196-30-030 License renewals. (1) Practice permits are valid for one year. They must be renewed each year by paying the required fee no later than the anniversary date of when the permit was originally issued. A valid practice permit will remain in force until the permit holder is issued a designer license, or July 1, 2003, whichever comes first. The permit holder must renew for a full year. No refunds will be made, or payments accepted, for a partial year.

(2) The initial designer license and certificate of competency will expire on the licensee's or certificate holder's next birth date. However, if the licensee's or certificate holder's next birth date is within three months of the initial date of issuing the license or certificate, the original license or certificate will expire on his or her second birthday following issuance of the original license or certificate. All subsequent renewals shall be for a one-year period due on the individuals birth date. No refunds will be made, or payments accepted for a partial year.

(3) It shall be the licensee's or certificate holder's responsibility to pay the prescribed renewal fee to the department of licensing on or before the date of expiration.

(4) Licensees and certificate holders who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to a late penalty fee of \$100.00. However, the license or certificate is invalid the date of expiration (if not renewed) even though an additional 90 days is granted to pay the renewal fee without penalty. After ninety

[Title 196 WAC—p. 26]

days, the base renewal fee plus the penalty fee must be paid before the license or certificate can be renewed to a valid status.

(5) Any designer license or certificate of competency that remains expired for more than two years would be canceled. After cancellation, a new application must be made in accordance with chapter 18.210 RCW to obtain another license or certificate.

[Statutory Authority: RCW 43.24.086 and 18.210.050, 99-24-022, § 196-30-030, filed 11/23/99, effective 12/24/99.]

WAC 196-30-100 Suspended fees. Effective March 1, 2006 the following fees will have the listed portions suspended from collection until July 1, 2008.

Fee categories	Current Fees	Portion Suspended	Temporary Fees
Designer licensing:			
Designer license application	\$175	\$25	\$150
Certificate of Competency:			
Certificate of Competency application	\$175	\$25	\$150

[Statutory Authority: RCW 43.24.086, 18.43.035, and 18.210.050, 06-06-019, § 196-30-100, filed 2/21/06, effective 3/24/06.]

WAC 196-30-110 Suspended fees. Effective July 1, 2006 the following fees will have the listed portions suspended from collection until July 1, 2008.

Fee categories	Current Fees	Portion Suspended	Temporary Fees
Certificate of Competency:			
Certificate of Competency renewal	\$250	\$100	\$150
Certificate of Competency late renewal	\$350	\$100	\$250

[Statutory Authority: RCW 43.24.086, 18.43.035, and 18.210.050, 06-06-019, § 196-30-110, filed 2/21/06, effective 3/24/06.]

Chapter 196-32 WAC

ON-SITE WASTEWATER TREATMENT SYSTEM DESIGNER LICENSES/INSPECTOR CERTIFICATES OF COMPETENCY

WAC

196-32-010	Applications.
196-32-020	Qualifications for designer applicants—Experience and education records.
196-32-030	Qualifications for inspector certificate of competency.
196-32-040	Examinations.
196-32-050	Comity—Licensing of applicants without examination.

WAC 196-32-010 Applications. All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee and/or charge as listed in chapter 196-30 WAC, is three months prior to the date of the examination. Incomplete applications, and applications received after the deadline will be considered for a later examination. Once an application has been approved, no further application is required. Appli-

(2007 Ed.)

cations submitted without the proper fee shall be considered incomplete.

[Statutory Authority: RCW 18.210.050, 18.210.060. 00-20-017, § 196-32-010, filed 9/25/00, effective 10/26/00.]

WAC 196-32-020 Qualifications for designer applicants—Experience and education records. To qualify for examination the law requires a high school diploma or equivalent and four years of experience in the design of on-site wastewater treatment systems of a character satisfactory to the board. The four years of experience must be completed two months prior to the date of the examination. The board shall evaluate all experience, including education, on a case-by-case basis and consider such experience and education as appropriate. The board will use the following criteria in evaluating an applicant's experience record:

Acceptable education experience will be based on transcripts.

(1) Education experience, up to a maximum of two years, may be approved based on the following:

(a) Graduation from a baccalaureate or associate degree program which contains course work in the sciences and technologies of on-site wastewater treatment systems, as provided in RCW 18.210.100.

(b) Completed college level course work without a degree will be evaluated on a case by case basis.

(c) Documented seminars, industry training programs, and other educational or training programs specifically related to the science and technologies of on-site wastewater treatment systems will be evaluated on a case by case basis.

(2) Acceptable work experience shall be four years of broad based, progressive field and office experience in the design of on-site wastewater treatment systems. The applicability of the experience shall be considered by the board based upon the verification provided by the applicant, the level of independent judgments and decisions, and the demonstration of the ability to work within the regulatory structure. This experience must include, but shall not be limited to the following:

(a) Applying state and local health regulations;

(b) Exercising sound judgment when making independent decisions regarding the sciences and technologies of on-site wastewater treatment systems;

(c) Field identification and evaluation of site conditions;

(d) Conducting research and;

(e) Interacting with clients and the public in conformance with chapter 18.210 RCW.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (e) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as experience up to a maximum of one year.

(4) Any work experience gained in a situation which violates the provisions of chapter 18.210 RCW will not be credited towards the experience requirement.

[Statutory Authority: RCW 18.210.050, 18.210.060. 00-20-017, § 196-32-020, filed 9/25/00, effective 10/26/00.]

WAC 196-32-030 Qualifications for inspector certificate of competency. (1) To qualify for examination the law requires a written request from the local health director or (2007 Ed.)

designee. Requests shall be submitted on a form prescribed by the board.

[Statutory Authority: RCW 18.210.050, 18.210.060. 00-20-017, § 196-32-030, filed 9/25/00, effective 10/26/00.]

WAC 196-32-040 Examinations. (1) To become licensed as an on-site wastewater treatment system designer or to become an inspector certificate of competency holder the candidate must pass the on-site designer licensing examination as established by the board. The examinations are given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained from the board office. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee and/or charge as listed in chapter 196-30 WAC is required to reschedule for an examination.

[Statutory Authority: RCW 18.210.050, 18.210.060. 00-20-017, § 196-32-040, filed 9/25/00, effective 10/26/00.]

WAC 196-32-050 Comity—Licensing of applicants without examination. (1) Applicants for licensure as an on-site wastewater treatment system designer by comity must meet the following criteria:

(a) The applicant's qualifications meet the requirements of chapter 18.210.180 RCW and this chapter;

(b) The applicant is in good standing with the licensing agency in a state, territory, possession, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration.

(2) This provision does not apply to those individuals who have obtained a license, certificate or other authorization from a local health jurisdiction.

[Statutory Authority: RCW 18.210.050, 18.210.060. 00-20-017, § 196-32-050, filed 9/25/00, effective 10/26/00.]

Chapter 196-33 WAC

RULES OF PROFESSIONAL PRACTICE FOR LICENSEES DESIGNING ON-SITE WASTEWATER TREATMENT SYSTEMS

WAC

196-33-100	Purpose and definitions.
196-33-200	Fundamental canons and guidelines for professional practice and conduct.
196-33-300	Providing direct supervision.
196-33-400	Seals and stamps.
196-33-500	Seal and stamp usage.

WAC 196-33-100 Purpose and definitions. (1) The purpose of chapter 196-33 WAC is to provide further guidance to licensees with respect to the accepted professional conduct and standard of practice, as indicated in chapter 18.210 RCW, and generally expected of those practicing professional on-site wastewater treatment system designing. These standards shall apply to all persons authorized to practice on-site wastewater treatment system design services, whether licensed professional designers under chapter 18.210

RCW, or licensed professional engineers under chapter 18.43 RCW. The board recognizes the need to establish standards with which to measure the performance of practitioners. The board further recognizes, as a minimum standard, those standards for the design of on-site wastewater treatment systems required by chapter 246-272 WAC, promulgated by the state board of health in accordance with their authority granted in RCW 43.20.050. It is the intent of the board to introduce guidance and direction through these rules, together with recommended standards and guidance documents.

(2) The word "licensee" in these rules of professional practice shall mean any person holding a license issued in accordance with chapter 18.210 RCW, or chapter 18.43 RCW, issued by this board.

(3) All licensees are charged with having knowledge of and practicing in accordance with the provisions of these rules of professional practice.

(4) Should there be any conflict in the guidance provided in this chapter and the intent of the language of chapter 18.210 RCW, the intent of the language in chapter 18.210 RCW prevails.

(5) Terms used in this chapter shall have the same definition as provided in chapter 18.210 RCW.

[Statutory Authority: RCW 18.210.050, 18.210.060, 01-11-102, § 196-33-100, filed 5/21/01, effective 6/21/01.]

WAC 196-33-200 Fundamental canons and guidelines for professional practice and conduct. The specialized and complex knowledge required for on-site wastewater treatment system design makes it imperative that licensees exercise a standard of care that holds paramount the protection of the health, safety, environment, property, and welfare of the public.

(1) Licensees are expected to apply the skill, diligence and judgment required by the professional standard of care, to achieve the goals and objectives agreed with the client or employer, and are expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer. Licensees are obliged to:

(a) Be honest and fair in their dealings, and to conform to the relevant laws and codes of the jurisdiction in which they practice.

(b) Be able to demonstrate that their final products and work plans adequately consider the primary importance of protecting the safety, health, property, and welfare of the general public.

(c) Approve or seal only documents prepared by them or under their direct supervision.

(d) Inform their clients or employers of the possible consequences, when an overruling or disregarding of the licensee's professional judgment may threaten the safety or health of the public. If in the judgment of the licensee an imminently dangerous situation persists, they shall promptly inform appropriate authorities.

(e) Inform the board in writing, citing specific facts to which the licensee has direct knowledge, if they have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of chapter 18.210 RCW or these rules of professional conduct, and cooperate with the

board in furnishing such further information or assistance as may be required.

(2) Licensees shall be competent in the technology, and knowledgeable of the codes, regulations, and guidelines applicable to the services they perform.

(3) Licensees shall be qualified by education and/or experience in the technical area of on-site wastewater treatment system design applicable to services performed and the technologies utilized.

(4) Licensees may accept primary contractual responsibility requiring education and/or experience outside their own area of competence, provided their services are restricted to those phases of the project in which they are qualified.

(5) Licensees shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education and/or experience.

(6) Licensees shall act in professional matters for each employer or client as faithful agents or trustees.

(7) Licensees shall be objective and truthful in professional documents, reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony. They shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(8) Licensees shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances, which could influence their judgment, or the quality of their services.

(9) Licensees shall only accept compensation from one party for services on a project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

(10) Licensees shall not solicit or, accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(11) Licensees shall advise their employers or clients when, as a result of their studies, they believe a project will not achieve the goals established with the client.

(12) Licensees shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

(13) Licensees employed full-time shall not accept professional employment outside of their regular work or interest without the knowledge and consent of their employers.

(14) Licensees shall offer their professional services in a truthful, objective, and professional manner that results in public trust in the integrity of the on-site design profession.

(15) Licensees shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(16) Licensees shall not offer or accept money, goods or other favors as inducement to receive favorable consideration for a professional assignment or as an inducement to approve, authorize or influence the granting of a professional assignment. This shall not preclude the securing of salaried positions through employment agencies.

(17) Licensees shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(18) Licensees shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(19) Licensees shall not advertise professional services in a way that is false or misleading as to the qualification, experience, or capability of the licensee.

(20) Public statements by licensees regarding the practice of on-site wastewater treatment systems design shall be objective and truthful.

(21) Licensees should endeavor to extend the public knowledge of on-site wastewater treatment system design and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding the profession.

(22) Professional reports, statements, or testimony made to the public or public entities shall include all relevant and pertinent information to support conclusions or opinions expressed.

(23) Licensees when serving as an expert witness shall express an on-site design opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(24) Licensees shall issue no statements, criticisms, or arguments regarding on-site design matters, which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements, are made.

(25) Licensees shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.

(26) Licensees shall respond to any legal request for information by the board and/or appear before the board in the time frame established by the board or their staff designee.

(27) In addition to the requirements of RCW 18.210.020 and this chapter, the following acts are contrary to the standard of practice for individuals authorized to practice under this chapter and constitute unprofessional conduct in the practice of on-site wastewater treatment system designing:

(a) Duplicating, copying, removing or attempting to remove materials from the custody and control of the board that are exempt from inspection or copying under chapter 42.17 RCW when such duplication, copying or removal was not expressly authorized by the board.

(b) Failure to notify a client or employer that a project could not be completed or was not completed.

(c) Failure to respond to client inquiries under conditions which endanger the health, safety, or welfare of the public or the client or the client's property.

(d) Failure to respond to inquiries from other on-site practitioners or governmental agencies regarding differences in your respective work products, under conditions which endanger the public health, safety, or welfare or the health, safety, or welfare of the client or the client's property.

[Statutory Authority: RCW 18.210.050, 18.210.060. 01-11-102, § 196-33-200, filed 5/21/01, effective 6/21/01.]

(2007 Ed.)

WAC 196-33-300 Providing direct supervision.

Direct supervision is a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of on-site plans, specifications, reports, and related activities. Direct supervision explains the relationship between the licensee and those persons who are performing the work controlled by the licensee. Direct supervision requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

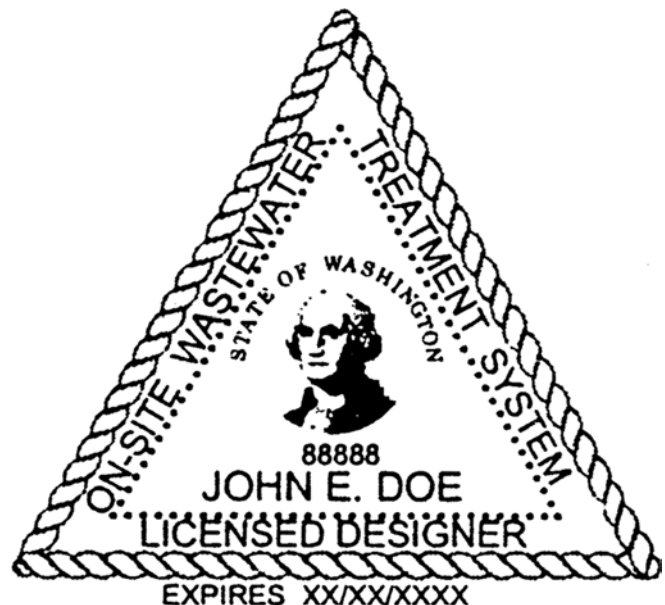
Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology: Provided, that the licensee retains, maintains, and asserts continuing control and judgment.

Nothing in this section shall be construed to relieve the licensee from the responsibility of final decision making and plan stamping.

[Statutory Authority: RCW 18.210.050, 18.210.060. 01-11-102, § 196-33-300, filed 5/21/01, effective 6/21/01.]

WAC 196-33-400 Seals and stamps. All individuals licensed in accordance with chapter 18.210 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Licensed on-site wastewater treatment system designer;
- (3) License number;
- (4) Licensee's name as shown on license;
- (5) Date of license expiration.



[Title 196 WAC—p. 29]

[Statutory Authority: RCW 18.210.050, 18.210.060. 01-11-102, § 196-33-400, filed 5/21/01, effective 6/21/01.]

WAC 196-33-500 Seal and stamp usage. The use of the seal/stamp shall be in accordance with chapters 18.43 and 18.210 RCW, or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for use for construction, final agency approvals, use by clients, and record drawings or as-builts for filing with public officials where such record drawings or as-builts are required to be prepared by the licensee. Any final document must contain the seal/stamp, license expiration date and signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, designs, specifications and reports.

(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents shall be stamped and dated, but need not be signed by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp and signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work.

(a) Plans/designs containing work prepared by or under the direct supervision of more than one licensee shall be sealed/stamped by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work and may contain the signature of the licensee depending on whether the plan set is final or preliminary.

(c) Plan/design sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design on that plan sheet. Whenever possible, the origin of the background information should be noted on the plan sheet.

(d) All design revisions to final plan/design sheets shall be performed by qualified licensees and shall be done in accordance with the provisions of RCW 18.210. The revised plan/design sheets shall clearly identify on each sheet; the revisions made and shall contain the name and seal of the licensee, and signature of licensee with the date the revision was made.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp and signature of the licensee. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an on-site design nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be construed to require that each page of a on-site design specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another licensed on-site designer, the reviewing licensee shall fully review those documents

and shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp and sign the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

(6) Nothing in this section requires the stamping of plans/designs by employees of local health districts acting in their capacity as on-site inspectors/reviewers, whether or not licensed under chapter 18.210 RCW.

[Statutory Authority: RCW 18.210.050, 18.210.060. 01-11-102, § 196-33-500, filed 5/21/01, effective 6/21/01.]

Chapter 196-34 WAC

CONTINUING EDUCATION OF LICENSED PROFESSIONAL ON-SITE WASTEWATER TREATMENT SYSTEM DESIGNERS AND CERTIFIED INSPECTORS

WAC

196-34-100	Purpose and effective date.
196-34-105	Definitions.
196-34-110	Requirements.
196-34-115	Qualifying activities.
196-34-120	Units.
196-34-125	Activities that do not qualify for PDH credits.
196-34-130	Determination of credit.
196-34-135	Recordkeeping and audits.
196-34-140	Noncompliance with continuing education.
196-34-145	Waiver.
196-34-150	Exemption.
196-34-155	Inactive status.
196-34-160	Comity/out-of-jurisdiction resident.

WAC 196-34-100 Purpose and effective date. The purpose of the continuing education requirement is to encourage licensed on-site wastewater treatment system designers (designers) and certificate of competency holders (inspectors), under chapter 18.210 RCW, to maintain competency in their practice. On July 1, 2007 and thereafter, all designers and inspectors must meet these requirements as a condition of continued licensure/certification under chapter 18.210 RCW.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-100, filed 5/19/06, effective 7/1/06.]

WAC 196-34-105 Definitions. Terms used in this chapter are defined as follows:

(1) Professional development hour (PDH)—An hour engaged in a qualifying activity.

(2) Continuing education unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals ten professional development hours.

(3) College/unit semester/quarter hour—Completion of courses in college level curriculums satisfactory to the board.

(4) Qualifying activity—Any activity that is related to on-site wastewater treatment systems or will help the designer or inspector to maintain their competency as an on-site wastewater treatment system professional.

(5) Year—That twelve-month period between the renewal and expiration of a credential for a designer or inspector.

(6) Board—The board of registration for professional engineers and land surveyors.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-105, filed 5/19/06, effective 7/1/06.]

WAC 196-34-110 Requirements. Starting July 1, 2006, all designers and inspectors, wishing to maintain active practice must accumulate forty-five PDH for any given three-year period. Starting July 1, 2007 the PDH accumulated by designers and inspectors are subject to audit by the board. Those individuals, who practice as both a designer and inspector, need only accumulate a total of forty-five PDH for the three-year period.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-110, filed 5/19/06, effective 7/1/06.]

WAC 196-34-115 Qualifying activities. The board believes that designers and inspectors under provisions of chapter 18.210 RCW should have the discretion to make independent choices on what activities help them to be improved practitioners. The board will not provide advance approvals for selected activities or vendors. The board expects designers and inspectors to seek out qualifying activities that can be demonstrated to the board as relevant to his or her continuing education as a designer or inspector.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-115, filed 5/19/06, effective 7/1/06.]

WAC 196-34-120 Units. Qualifying activities earned and applied to one of the following categories may not be applied to another category.

1. College hours:
 - a. Completion of 1 college semester hour 45 PDH
 - b. Completion of 1 college quarter hour 30 PDH
2. 1 Continuing education unit 10 PDH
3. For publication or presentation of each:
 - a. Authored technical paper or article 10 PDH
 - b. Authored book 30 PDH
4. Obtaining a patent 10 PDH
5. Membership in professional/technical societies or government committees or boards. (Not to exceed a total of 5 PDH/year) 2 1/2 PDH
6. For each hour of attendance in a professional or technical society meetings with an informational program. (Not to exceed a total of 5 PDH/year) 1 PDH
7. For each hour of attendance at meetings or hearings of the board or On-site Advisory Committee. (Not to exceed a total of 7 1/2 PDH/year) 1 PDH
8. For each hour of preparation and subsequent presentation (*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. (Not to exceed 10 PDH/year) (*) *This credit does not apply to full-time faculty.* 1 PDH
9. Completion of the continuing education requirements for maintaining a credential as a registered sanitarian. 10 PDH
10. For each hour of participation in committees of organizations whose purpose is to develop codes, standards, examinations and regulations. 1 PDH

(2007 Ed.)

11. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. (Not to exceed a total of 5 PDH/year) 1 PDH
12. For each hour of participation in organized courses, including employer provided courses, on environmental health topics/first aid/safety, technical or management skills. 1 PDH
13. For each hour of participation in sessions or courses, sponsored by technical or professional societies, organizations or the board. 1 PDH
14. For each hour of self-study. (Not to exceed a total of 5 PDH/year) 1 PDH
15. For each hour of work, outside normal duties of employment that involves participation in other recognized professional activities. (i.e. a designer working with a land surveyor) (Not to exceed a total of 2 PDH/year) 1 PDH

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-120, filed 5/19/06, effective 7/1/06.]

WAC 196-34-125 Activities that do not qualify for PDH credits. The following are not considered qualifying activities:

- (1) Taking courses, specialized instruction or meeting performance criteria that were conditions of a board order.
- (2) Attendance or testimony at legislative hearings.
- (3) Attendance or testimony at city or county council meetings/hearings.
- (4) Attendance or testimony at civil or criminal trials.
- (5) Time spent fund raising for scholarships or other society purposes or lobbying for legislation.
- (6) Attendance at gatherings that are primarily social in nature.
- (7) Membership and/or attendance in service club meetings.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-125, filed 5/19/06, effective 7/1/06.]

WAC 196-34-130 Determination of credit. The board is the final authority with respect to claimed qualifying activities and the respective PDH credit. Qualifying activity becomes eligible for credit upon completion of the given activity. Credits gained in excess of the fifteen PDH annual requirement may be carried forward to the next renewal period.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-130, filed 5/19/06, effective 7/1/06.]

WAC 196-34-135 Recordkeeping and audits. The designer or inspector is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The designer or inspector is required to keep their records of continuing education covering the cumulative time in the current renewal period plus the three years before the last renewal. All continuing education records and supporting documentation must be furnished to the board upon request.

[Title 196 WAC—p. 31]

If an audit disqualifies credits that were reported to the board by a designer or inspector and results in the licensee failing to complete the PDH requirements, the board may require the shortage to be made up over a period of time established by the board.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-135, filed 5/19/06, effective 7/1/06.]

WAC 196-34-140 Noncompliance with continuing education. (1) A designer or inspector who fails to comply with the requirements of this chapter is subject to disciplinary action by the board.

(2) A designer or inspector who, through the course of an audit, is discovered to have falsified continuing education documentation to the board is subject to disciplinary action by the board.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-140, filed 5/19/06, effective 7/1/06.]

WAC 196-34-145 Waiver. The board may grant a waiver to the time requirement for collection of continuing education to designers or inspectors who qualify. A request for a waiver must be made in writing and clearly state the justification and include any necessary documentation required by the board. All waivers expire on the next date of license/certificate renewal unless the board grants an extension.

The board may grant waivers for:

(a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship.

(b) Individuals who have been placed on active military duty for at least one hundred twenty days.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-145, filed 5/19/06, effective 7/1/06.]

WAC 196-34-150 Exemption. Designers or inspectors who have been approved for "Inactive Status" as provided in WAC 196-34-155 are exempt from the requirement of collecting continuing education.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-150, filed 5/19/06, effective 7/1/06.]

WAC 196-34-155 Inactive status. Any designer or inspector who signs a board approved affirmation that they are not engaged in the practice as an on-site wastewater treatment system professional is eligible for inactive status. Those with inactive status are prohibited from any practice as an on-site wastewater treatment system professional as provided in chapter 18.210 RCW. A designer or inspector on inactive status may reinstate their license to active status by written request to the board and payment of any applicable fees. In the first year of reactivated practice the designer or inspector may be required by the board to collect an additional fifteen PDH.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-155, filed 5/19/06, effective 7/1/06.]

WAC 196-34-160 Comity/out-of-jurisdiction resident. The continuing education requirements, as provided for in this chapter, may be satisfied when the board can verify

that a designer or inspector has satisfied continuing education requirements in another jurisdiction recognized by the board, as being equivalent to the requirements of this chapter.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. 06-11-118, § 196-34-160, filed 5/19/06, effective 7/1/06.]